

When we negotiate, ideally
we seek Collaboration...



... rather than



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Principled Negotiation

- ✦ Separate the People from the Problem
- ✦ Seek underlying interests
- ✦ Invent options that benefit everyone
- ✦ Use objective standards to measure success

Some Background Thoughts

“A victorious army wins its victories before seeking battle”

Sun Tsu – the Art of war

“**A BATNA** is the Best Alternative to a Negotiated Agreement – the plan you will use if a better agreement cannot be reached. For an apparently weaker party it provides negotiating power – you know if you walk away you will survive. “

Harvard Negotiation Project

“Principled Negotiation has been shown to produce stronger, more beneficial agreements for all parties than bargaining. The former increases “the pie”, the latter simply divides it unequally”

Harvard Negotiation Project

“Your first objective in the negotiation, instead of making your own argument, should be to hear the other side, that’s the only way you will help them to hear you. Most people don’t do that.”

Christopher Voss
FBI Professor of Negotiation

Why do Negotiations Fail?

Because when two or more people disagree about something the negotiation descends into an argument about the people rather than the problem.

Which suggests a lack of trust between them and that their communication style will probably be disrespectful.



A confrontational negotiation style, where one side tries to dominate the other, results in no or poor agreements, that miss benefits to both sides, create grounds for future problems, don't last long and are expensive in the long run.

These notes are suggestions as to how communication and negotiation skills can create a more collaborative discussion, which accepts different opinions, gains support for addressing the underlying problem and results in better decision making and agreements.

As a by-product it should create or enhance respect between the negotiators.

The Starting Point : Planning

Define The UnArguable Principles

- ✦ Base the Negotiation on some commonly agreed, unarguable principles:
 - ✦ The Stakeholders: Whose interests are best served by a “good “ agreement?
 - ✦ The Product/Service Definition: How would **Stakeholders** define “good”?
 - ✦ Your Service Delivery: How would the agreement you propose deliver “good”?
 - ✦ Their Service Delivery: How would what the other Party propose deliver “good”?
 - ✦ The Stakeholders: Which Service Delivery would they measure as “good”?

Always Have A BATNA

- ✦ A negotiation assumes each side has at least one common objective. The question is whether they can agree the value to each of the achieving the objective.
- ✦ The weaker party must be prepared to walk away if the stronger party makes unacceptable demands.
- ✦ That means having a Plan B – the one you walk away to.
- ✦ Your Plan B should be the minimum Service Delivery plan that Stakeholders would be likely to accept.



The Starting Point : Planning

Know Your Strengths & Weaknesses

- ✦ How does each deliver value or reduce it to the Stakeholders?

Know Their Strengths & Weaknesses

- ✦ How does each deliver value or reduce it to the Stakeholders?

Know The People

✦ Your Negotiating Team

- ✦ Who should they be – who has the best “people” skills and who the best negotiating skills and who knows the detail?

✦ Their Negotiating Team

- ✦ Who are they likely to be; what are they like; what do we need to be prepared for?

Rehearse the “What Ifs”

- ✦ Now you can get down to the detail.
- ✦ Ask “what if they say....” rehearse your response.
- ✦ How does the response match or support the UnArguable Principles?



Principled Negotiation

Created by the Harvard Negotiation Project for more collaborative agreements.

PROGRAM ON NEGOTIATION
HARVARD LAW SCHOOL



When approaching a negotiation, think of four stages:

- ✦ Separate the people from the problem.
- ✦ Seek best interests not positions or “wants”.
- ✦ Invent options that benefit everyone.
- ✦ Use objective criteria to measure success.



This approach is now used by governments, companies and unions, employers and employees with great success because it:

- ✦ always addresses the problem (not the other person),
- ✦ involves others in the decision making process and
- ✦ seeks a mutually acceptable outcome.

As a result it is collaborative, seeks benefits for both sides, creating longer lasting, less problematic agreements that are less expensive for everyone.

Principled Negotiation



1) Separate the People from the Problem.

- ✦ Avoid using “you”, “I” or “why”– they sound personal, blaming, “past negative” and will make the people the problem.
- ✦ Instead use “It” and “We” and “How could we..?” – these are objective, inclusive, future focussed and information generating.

2) Focus on their (and your) Best Interests.

- ✦ What would their “best interest” outcome be and how could you help them achieve it? What would yours be and how could they help you? Where do they overlap?
- ✦ Look for things like **Respect, Cash flow, Safety, Position or Stakeholder Approval.**

3) Invent Options for mutual gain; separate developing from judging.

- ✦ Brainstorm as many ideas as possible without judging them until they are all listed.

4) Measure success using objective criteria.

- ✦ Judge ideas against risk, reward, timescale, practical measures not personal prejudices.
- ✦ Agree what success looks like and how, when and who will measure results.

Negotiation Summary

- ✦ **Planning** Is Critical : Develop the “Unarguable Principles”, then your BATNA.
- ✦ **SWOT**: Know yours, estimate theirs.
- ✦ **Teams**: Know yours, work out how to react to theirs.
- ✦ Research suggests **Principled Negotiation** creates better agreements for both sides than “bargaining” and avoids personal disagreements.
- ✦ **Separate** the people from the problem – the more objective, the easier it will be.



- ✦ Look for the **Best Interests** underneath initial positions. Do any overlap and how could you help them and they help you?
- ✦ **Invent** as many options for mutual gain as possible, only judging them when they are all on the table.
- ✦ Define **success** using **objective measures**; collect information to decide if success has been met or the strategy needs to adapt.

And finally

- ☼ Was this useful for you?
- ☼ What questions we haven't answered?
- ☼ What else might we be able to do to help?
- ☼ Please let us know



Thank you for your time.


Jeremy Scuse