

empowering stakeholders

Getting to Yes

by Roger Fisher and William Ury

Key Objective: to reach a wise agreement

A wise agreement is one reached amicably and efficiently. It satisfies the interests of each party and is a fair and long term solution. It also builds relationships between the different parties and facilitates future discussions and negotiations.

The Traditional Method

Positional Bargaining

- Parties state initial positions
- Exchange concessions
- Settlement reached somewhere in the middle with each party sacrificing some interests

Why the traditional method does not work

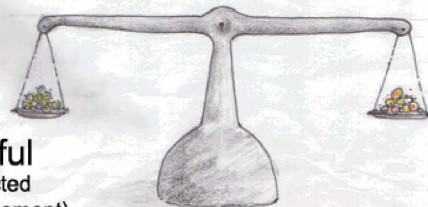
Focuses on positions, not underlying interests, therefore:

- Contest of wills—parties often lock into positions
- Detrimental to the development of positive, on-going relationships
- Deals with the parties' interests and relationship by sacrificing one for the other

Potential Problems

When the other party is more powerful

- Protect yourself and prevent deals you should have rejected
- Know your BATNA (Best Alternative to a Negotiated Agreement)
- Make the most of your assets
- Consider their BATNA



What if the opponent refuses to use Principled Negotiation?

- Persist in using Principled Negotiation – it is fair and can be infectious
- Deflect personal attacks – focus the discussion on the problem and continue to redirect the discussion back to the problem
- Bring in a third party mediator

What if the opponent uses dirty tricks?

- Call the tactic to the opponent's attention
- Insist on using Principled Negotiation

Principled Negotiation

the Four Principles of an alternative method

1. Separate the People from the Problem

- Be soft on the people, hard on the problem—deal with them separately
- Focus on:

- **Perceptions** – differences in perceptions often lead to conflicts
- Each party much try to understand the other's perspective in order to create a common solution

- **Emotions** – negotiation processes are often frustrating and induce emotional reactions such as fear and anger

- It is important to recognize these emotions as real and valid
- Denying them usually incites stronger emotions

- **Communication** – negotiating parties may not be willing or do not have the patience to listen to each other; even if all parties are listening and actively communicating, they might misunderstand each other
- Participating parties should listen to each other intently and periodically verify their understanding

- Understanding the other party's interest does not mean you agree with them

2. Focus on Interests, Not Positions

"Your position is what you have already decided. Your interests are the reasons for that decision." – Fisher & Ury

- Interests define the problem – Discover why the other parties have particular positions

- It is more effective to address interests than to bargain on positions
- Opposing sides have both compatible/common interests and conflicting interests

- Acknowledging interests makes room for creativity and leads to more alternatives for resolution

3. Invent Options for Mutual Gain

- Obstacles to overcome

- Premature judgment

- Searching for a single answer

- Assuming the "pie is fixed"

- Believing "solving their problem is their problem"

- Ways of overcoming these obstacles

- Suggest brainstorming techniques – make sure to separate the creative process from the evaluation process

- Create solutions that are of the lowest cost to oneself and highest benefit to the other and vice versa

4. Insist on Using Objective Criteria

- Objective criteria are crucial to negotiations

- Helps to determine fairness, efficiency, and merit

- Educates the participants and increases joint knowledge base

- Introduces independent information

