



Negotiating

(with  and )

What is Negotiation?

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Negotiation ∈ Decision Making

When decision-making there are many alternatives.

Not one method suits all, and negotiation might not be the best fit.

First understand whether or not negotiation is even a valid choice in your decision-making.

What is Negotiation?

Methods of Decision Making:

- Say No
- Persuasion
- Problem Solve
- Chance
- Arbitrate
- Coercion
- Postpone
- Instruct
- Give In
- Negotiate

Say 'No'

Rejecting outright a proposal usually means having to live with the consequences, unless the proposer backs off.

Persuasion (Überzeugen)

Selling is persuasion. "Sell the sizzle, not the steak" Getting someone to say 'yes' because their imagination is more likely to be fired by the image of a sizzle than the unadorned image of a steak.

Problem-solve

Problem-solving between decision-makers, when they agree to share same the problem and solve it collectively.

Chance (Zufall)

This is not as silly as it sounds. Some large decisions are made by the toss of a coin. For example, in a choice between two otherwise identical projects for which there are funds for only one, tossing a coin might save a lot of acrimonious argument or indecisive dithering.

Arbitrate (Schlichten)

When decision-makers cannot find a basis for agreeing, and provided they can at least agree on who is to be the arbitrator and that his decisions will be accepted, they can choose arbitration.

Coercion (Nötigung)

The range goes from a gentle reminder to have an option to an intention to use violent intimidation to get your way. Just think about union strikes of employers that fight for their demand. Or a supplier warning the buyer that continued late payments will result in delayed deliveries or even cancellation of the contract

Postpone (Aufschieben)

Just have a look at the tails of your backlog ;-)

Instruct (Anweisen)

Managers do not normally expect employees to question their instructions. Telling the chauffeur to drive to a restaurant at lunchtime should not provoke a conflict if that is what the chauffeur is paid to do and lunchtime is within his working hours. Instructing children to go to bed, although not always successful, is a clear decision making process.

Give in (Nachgeben)

This is what we do when we accept an instruction. Giving in is not as weak an option as it sometimes seems for example when the costs of doing otherwise are excessive.

What is Negotiation?

Intuitively:

„Give me some of what I want, and I will give you some of what you want“

Negotiation is a form of decision-making.

Negotiation is the process by which we obtain something from somebody who wants something from us.

Negotiation is the process of an exchange, it's trading.

Negotiation is how we manage that exchange, how we work towards getting a deal.

There must be a desire from both parties to want to make an exchange, and they must have discretion on whether or not they wish to make the exchange at all.

What is Negotiation?

It's a process:

Negotiation is how we work towards getting a deal, given there is a desire from both parties to want to make an exchange at all.

Workers exchange labour for money and money for goods and services.

Producers exchange outputs for earnings.

Governments exchange taxes for investment and services.

Some exchanges require negotiation to set the 'price' of the exchange.

We often don't challenge terms and conditions as it's not worth the time and effort, but instead we might shop elsewhere.

The higher the price and the higher the stakes negotiation terms and condition becomes more common.

What is Negotiation?

Definition:

„A bi- or multilateral **interactive communication technique** to **manage conflicting interests** through **direct dialogue** between representatives of the parties to a dispute or conflict“ (Schmid 2000, p. 55)

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Types of Negotiation

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1. Distributive bargaining
2. Integrative bargaining
3. Rational bargaining (We skip this!)

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Distributive Bargaining



Jenny is interested in buying a second-hand car advertised at 9000€, but only wants to pay 8500€ max. She hopes the seller, Bob, might accept a lower offer but is uncertain about his flexibility on price.

- A) Open at 8400€ (within Bob's lowest price)
 - 1) Offer 8900€, ping-pong
 - 2) Insist on 9000€ as within his range
- B) Go much lower at 7500€
 - Bob is offended => 9550€
 - Bob walks away

Bidirectional Dilemma!

Distributive Bargaining

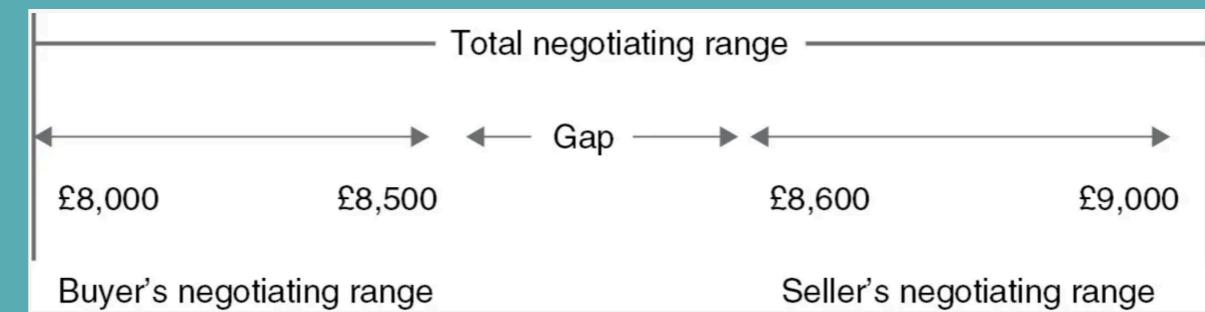
Entry Points



Distributive bargaining is a single-issue negotiation. There is only one variable, often price but not exclusively so, that the two negotiators need to agree upon. Movement is often difficult, as all you get in return for moving further away from your entry point is the 'hope' that you will come to an agreement before you have to move any further. It's a fixed pie from which both negotiators want the biggest slice.

Distributive Bargaining

Negation Range



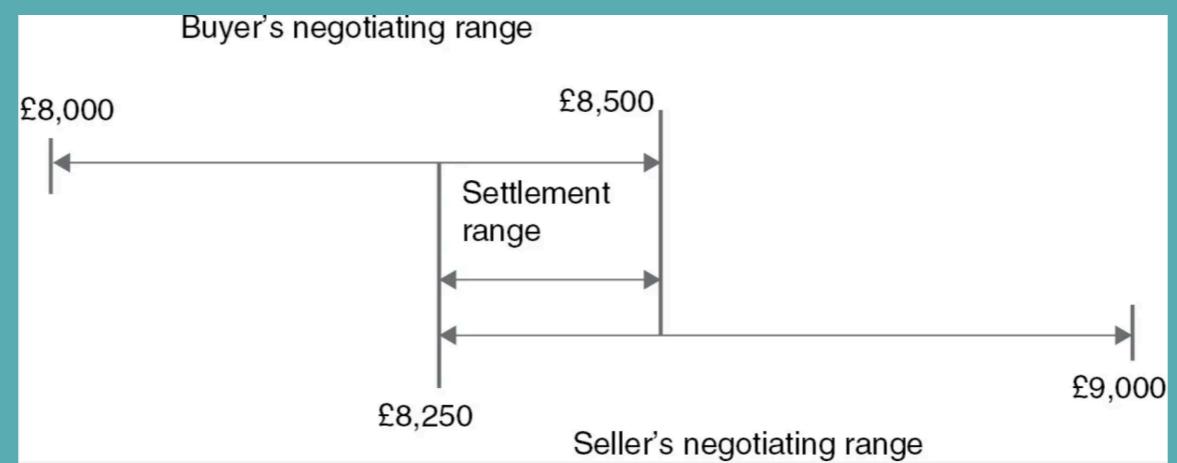
Distributive Bargaining

Settlement Point



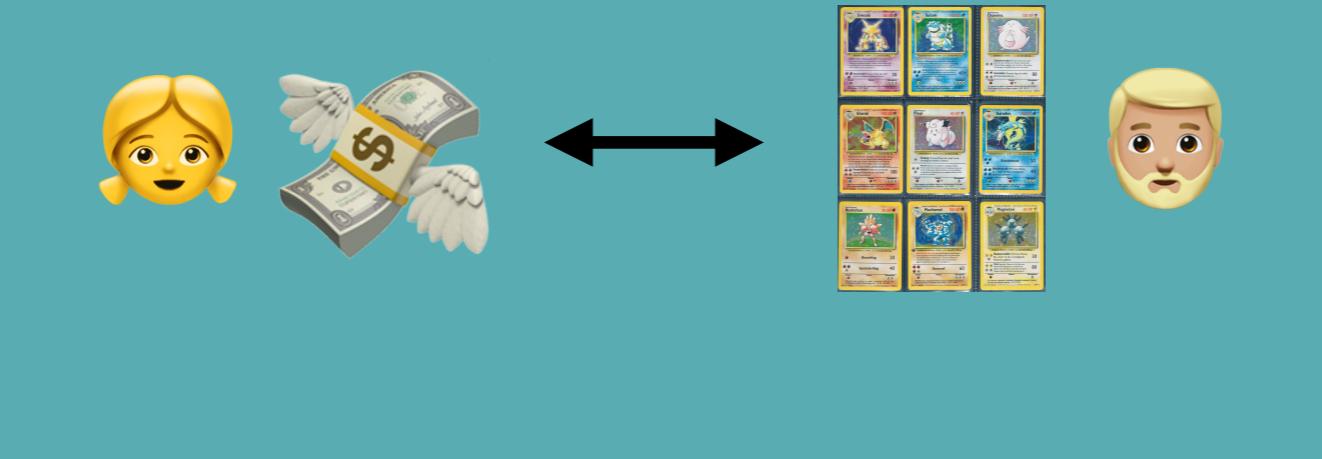
Distributive Bargaining

Settlement Range



Distributive Bargaining

Another Example:



Susie had been searching for a rare set of Pokémon cards, including rare cards like the Charizard, Pikachu Illustrator, and Shadowless Blastoise. One night, while browsing online, she stumbled upon a complete set in mint condition, surprisingly priced much below the usual market value. In conversation with the seller, Bob, she learned he was looking to sell them quickly after inheriting them from his aunt and had no personal interest in Pokémon. Bob, who lived across the country, suggested Susie transfer 2000€ to his account the next morning. In turn, he would ship the cards the following day. Both the payment and the cards were expected to take about three days to reach their respective destinations.

Styles of Negotiation

What are possible outcomes?

1. Susie sends the money, and Bob sends the cards.
2. Susie sends the money, but Bob does not send the cards.
3. Susie does not send the money, but Bob sends the cards.
4. Neither Susie nor Bob send anything.

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Distributive Bargaining

- Single Issues Negotiation
- Only one variable to agree upon
- Movement is tricky
- Moving too far, risks losing it all

Takeaway:

- Think in ranges, not fixed positions
- Avoid single Issue Negotiations whenever possible!

Distributive bargaining is a single-issue negotiation. There is only one variable, often price but not exclusively so, that the two negotiators need to agree upon. Movement is often difficult, as all you get in return for moving further away from your entry point is the 'hope' that you will come to an agreement before you have to move any further. It's a fixed pie from which both negotiators want the biggest slice.

Think in ranges. => If someone opens with an appealing offer, how much further might they be prepared to go?

Integrative Bargaining



Volkswagen, a prominent player in the automotive industry, has tasked director Amanda with reviewing supplier contracts, particularly those underperforming. JYNXT, a supplier of smart car electronics and relatively new in the market, has been working with Volkswagen for 10 months. Despite their low prices and high-quality electronics, JYNXT's administrative shortcomings, mainly inaccurate invoices, have led to increased internal costs for Volkswagen. Amanda values JYNXT's contributions, which have been integral in some successful projects, but recognizes the need for improved administrative efficiency. She's now planning a negotiation strategy with her team for an upcoming meeting with JYNXT to address these issues.

Integrative Bargaining



What should VW ask first?

- Is JYNXT liable for poor performance?
- Which bargain leverage do we have?
- Available data on cost/time?
- Demands towards JYNXT performance issue?
- Other suppliers?

- A) Liabilities => Important, but not as a first step!
- B) Leverage => Too early, first explore what is possible!
- C) Data => „In god we trust, all other must use data“! Blame requires evidence!
- D) Demands => First you need evidence to clarify the problem, then you can demand.
- E) Kick JYNXT => Possible

Integrative Bargaining



Some Data:

<i>Month</i>	<i>Invoice inaccuracy (%)</i>	<i>No. of hours correcting errors</i>
1	31	20
2	46	34
3	59	39
4	38	27
5	41	29
Average	43%	30 hours per month

Integrative Bargaining



Interests, Issues, Positions

- Data => Reduced Cost = **Interest!**
- Reduce Error Rate = **Issue!**
- Actual expected Error decrease = **Position!**

Integrative Bargaining

Definition:

Interests are the hopes, fears or concerns of the negotiator. They are found by asking „Why“ you want something. Interests are not negotiable, but give an perspective on what needs to be achieved.

Integrative Bargaining

Definition:

Issues are „what“ your want and anything that can be traded such as price, warranty. Specific issues parties agreed upon after negotiation are called **positions**.

Integrative Bargaining



Interests with Priorities

<i>Negotiable Issues</i>	<i>Priorities</i>
1 Minimum acceptable error limit	High
2 Incentive scheme	Medium
a Incentive rate	Low
b Date of payment	Low
c Number of payments per month	Low
d Time frame for error count	Low
3 Contract duration	Medium
4 Penalties for exceeding error limit	High
a Rate of penalty	Medium
b How penalty paid – credit/cash	Medium
c When penalty applied	Medium
5 Admin support	Medium

A) This could be a list of possible issues including priorities

Integrative Bargaining



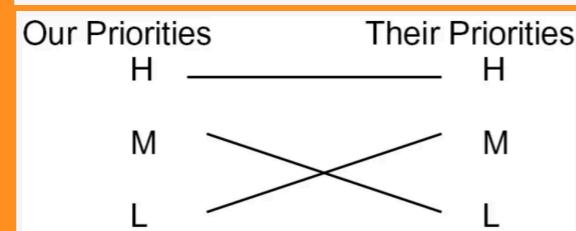
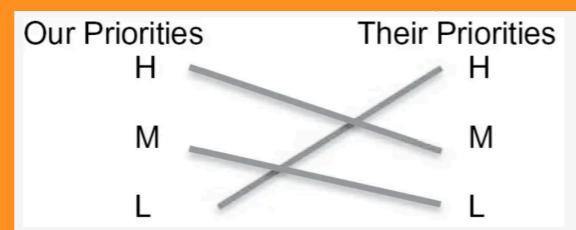
Asymmetries

Issue	Entry	Exit	Entry	Exit	Priority
1	5%	15%	?	25%	H
2	5%	10%	?	15%	H
2a	20% per 50	5% per 50	?	1% per 50	M
2b	60 days	35 days	?	40 days	H
2c	1	2	?	4	M
2d	Annual	Monthly	?	Weekly	M
3	60 days	35 days	?	40 days	H
4	Unlimited	Capped	?	No	M
4a	50%	Max £400	?	Max £50	L
4b	Cash	Credit	?	Credit	L
4c	Immediately	60 days	?	90 days	L
5	New team from PDQ	Provide one of our staff	?	Extra person part time	M

A) This could be a list of possible issues including priorities

Integrative Bargaining

Asymmetries



Boring



- A) This could be a list of possible issues including priorities

Integrative Bargaining

Definition:

Tradables are items over which you have command, but not directly related to the negotiation. They might be useful to gain momentum later in the negotiation.

Integrative Bargaining

Example Tradables

- Early access to project plans
- Priority payments on correct invoices
- Formal recommendation
- Mention as official partner on website

A) This could be a list of possible issues including priorities

Integrative Bargaining

Definition:

BATNA = Best Alternative To No Agreement.
Helps deciding if deal is worth agreeing to or not.

Integrative Bargaining

- Multi Issues Negotiation
- Many ways to agree
- Much more flexi
- Moving to far, risks loosing it all

Takeaway:

- The more you know, the better
- Be flexible with on your positions!
- Take your time, don't go too fast

The Negotiation Problem			
Interests			
Issues	Priorities	Negotiation Range	
		Entry	Exit
Tradables			
BATNA			

Debate,
Bargain,
Propose

Debate



- Neutral Statements
- Questions
- Listening
- Summaries
- Assurance
- Signaling
- Calibrated Questions



- Irritation
- Assumption
- Interruption
- Blocking
- Point-Scoring
- Attacking / Blaming
- Threads

Debate



Open/Closed Questions

- Did you check the paperwork?
- How difficult is this?
- Do you carry out backups?
- ...

Debate



Summaries

- Let me see if I understand what you're saying ...
- Correct me if I'm wrong, but as I understand it, you want ...
- Ok, let me summarize what you want ...

Debate



Assurance

- We value you the business we've done so far and look forward to continuing ...
- I am sure that we can sort this out.
- The fact that we let you down causes me more pain than you can imagine.

Debate



Signaling

- „It would be extremely difficult to ...“
- „We do not normally do this“
- „It is highly unlikely that ...“
- „Under these circumstances, we cannot ...“
- „As things stand, our prices must ...“
- „I can't give you discount on your current volume“

Debate



Calibrated questions

- „What about this is important to you?“
- „How can I help to make this better for us?“
- „How would you like me to proceed?“
- „What is it that brought us into this situation?“
- „How can we solve this problem?“
- „What are we trying to accomplish here?“
- „How am I supposed to do that?“

Propose

Formula:

Condition(First) + Offer (Second)

Vague/Specific

Vague!

A proposal is a tentative suggestion that builds on a signal sent or one received.

It is not a final solution (that is the role of a bargain).

The earlier in the negotiation you are, the more tentative we expect proposals to be. We are exploring possible solutions, not putting forward final ones, and the less we know about the other negotiator's views, the less certain are we about which proposals are likely to be worth exploring. Hence, the extent to which we are tentative reflects the degree of our current prudence.

Vague proposals protect the negotiator from making mistakes in the value of the exchange. Mistakes in value can be hard to fix once the other party has accepted them.

Propose

Examples:

- "More flexible payment terms could lead to a longer partnership."
- "Adjusting delivery schedules might result in larger orders."
- "A better price could open up exclusive supply rights."
- "Including extra services might justify a higher price."
- „Negotiable contract terms could bring additional perks."

Bargain

Formula:

Condition(First) + Offer (Second)

Specific

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Bargain

Examples:

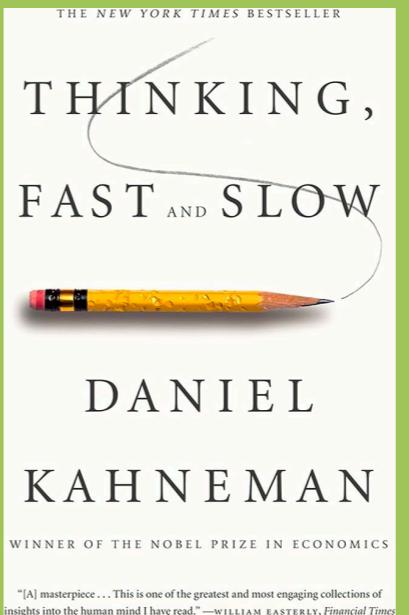
- "Deliver by next Friday, and we'll feature your brand in prime-time ads for a month."
- "Lower the price to £500 per unit, and we'll buy 300 units."
- "Provide a two-year warranty, and we'll buy at your asking price today."
- "Include three security features in the update, and we'll extend our contract by two years."
- "Commit to monthly checks for a year, and we'll pay 10% more."

Tactics and (dirty) Tricks

Tactics and (dirty) Tricks

Empathy:

- Acknowledge feeling, emotions
- Don't argue
- Slow down
- Smile!
- Late-Night FM DJ Voice
- Create similarity
- Avoid positions, address Interests!



People feel if you're in a hurry and interpret it as not being heard, not being taken seriously.

Smile = Even when talking on the phone. It frames / affects the counterpart and increases willingness for collaboration and agility of thought.

Psychological approach from Amos Tversky and Daniel Kahnemann:

- Man is irrational.
- Emotion is a form of thinking.
- People are neither fully rational nor fully selfish and tastes are not stable.
- Effects at play are Cognitive Bias and Framing Effects.
- Prospect Theory explains why we take unwanted risks.
- Loss Aversion shows how people are more likely to avert loss than to achieve equal gain.
- System 1 = animal mind is fast, instinctive, emotional.
- System 2 is slow, deliberative, logical.
- S1 is more influential as it guides / steers / overrules rational thought.
- We react emotionally (S1) to a suggestion or question.
- S1's reaction informs and creates S2's answer.

Tactics and (dirty) Tricks

Mirroring:

- Repeat the last 3 words
- Remember and repeat name
- Enhance bonding, suggest similarity
- Keep people talking
- Label Barries and Emotions
- Make uncomfortably long pauses
- List counterparts worst nightmares

Similarity = Enhance bonding. "We are the same", "We've both been there, I know how it feels", "We're made of the same wood", "I understand you".

Nightmares: A company liquidator speaking to the still employed people "You're probably thinking I'm just a cold hearted, money driven business man and don't really care about you as people!"

Tactics and (dirty) Tricks

Framing:

- Avoid one issued negotiations.
- Incompatible positions => compatible interest's
- Firm on goals, flexible the solution.
- Trilaterally thinking: Hidden pressure, stakeholders, ...
- Justify offer, never apologize!
- Focus on long-term benefits

Add issues, links issues, split issues.

Tactics and (dirty) Tricks

„No“?:

- „I am not yet ready to agree“
- „You are making me feel uncomfortable“
- „I do not understand“
- „I don't think I can afford it“
- „I want something else“
- „I need more information“
- „I want to talk it over with someone else.“

Tactics and (dirty) Tricks

„No“ = „Yes“:

- Just ignore it.
- Rephrase it.
- What is not negotiable today, might be tomorrow!
- Imagine the impossible

No = Don't give any attention to them.

Just behave as if it were never said.

Ignoring NO releases pressure in the future when there might be no way around committing to it.

"We can't possibly do X" => "I can understand how, given where things stand today (not forever), this would be difficult (not impossible) for you to do ...".

Imagine:

"Imagine a world where this would be possible."

"Now paint me a picture of how that would look like"

"Is there any possibility that both of you will walk away from the conversation happier than you had been before?"

Tactics and (dirty) Tricks

„No“!:

- Provoke no breaks the defense
- Knowing the no's
- Exaggerated statements
- Mislabeling emotions

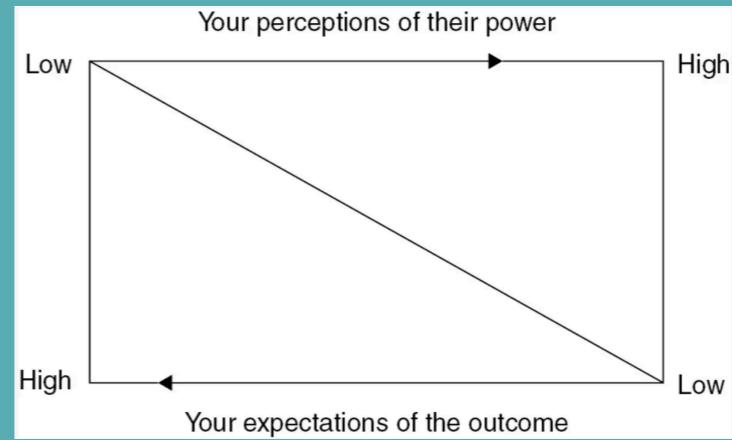
- No can be starting point for what counterpart does not want
- It opens up for further questions on conditions, time aspects, ...

- "So it seems you're really eager to leave your job"
- "Have you given up on the project?"
- "Is now a bad time to talk?"
- "It seems like you really want this project to fail!"

Tactics and (dirty) Tricks

Ploys:

- Dominance
- Shape
- Close



Dominance = defending extreme positions, set tone and temper, bullying

Shape = Sublime manipulations

Close = Pressure

Tactics and (dirty) Tricks

Dominance - Props:

- Sitting in lower chair
- Exquisit foyers, fountains, luxury = Power
- „During a salary negotiation, a manager places a stack of resumes on the desk, subtly suggesting they have many other candidates for the job.“

Counter Technique:

- Challenge the power
- Open invitation to raise your price

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Tactics and (dirty) Tricks

Dominance - Pre-Conditions:

- Vendor Contracts Only
- Comply or Die
- „Before we discuss any details, we require a commitment to retain all current employees.“

Counter Technique:

- Is it healthy ground and worth it?
- Maybe just a test of intentions?

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Tactics and (dirty) Tricks

Dominance - Non-Negotiable:

- „Standard“ Vendor contracts
- „We are open to discussing various aspects of the contract, but the 5-year term is non-negotiable.“

Counter Technique:

- Be confident and cheeky ... **everything is negotiable!**
- Consider relative power balance! Is it worth it arguing?
- What is your value?

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Tactics and (dirty) Tricks

Dominance - Agenda Rigging:

- „Schedule most important issue last, when the other party is likely to be tired and less resistant“

Counter Technique:

- Negotiation implies **bilateral interaction** and **right for veto**.
- Challenge it!
- Be prepared on the issues!

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Tactics and (dirty) Tricks

Dominance - Anchoring High Demands:

- Asking for a much higher salary than expected, setting a high anchor to make the actual desired salary seem more reasonable.

Counter Technique:

- If anchor point is obviously unrealistic, so is walking away!
- Counter anchor!
- Challenge it, ask for underlying intentions!

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Tactics and (dirty) Tricks

Shaping - Tough guy / Soft guy or Good cop / Bad cop:

- Tough guy making aggressive demands, followed by soft guy, offering more reasonable terms, making the latter more acceptable.
- Distant committee / remote boss, call to help them!
- Note: It's stupid but it works!

Counter Technique:

- Perceive the acting/drama
- Avoid getting drawn in emotionally
- Be a pro, stay consistent

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Tactics and (dirty) Tricks

Shaping - Mother Hubbard:

- "Our budget has been cut drastically; we have nothing more in the cupboard,"
- Implying limited resources to lower expectations

Counter Technique:

- Seek for flexible alternatives
- Play the game and lower your offer accordingly!
- Request proof: "Could you provide more insight into the budget allocation so we can find a feasible solution?"

Dominance = defending extreme positions, set tone and temper, bullying

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Tactics and (dirty) Tricks

Shaping - The Nibble:

- After agreeing on the main terms, adding a small additional request, like "Can you also include free delivery?"
- Demand for small-value in much higher value contract.
- Do you want to question the whole contract over this small issue?

Counter Technique:

- Do a protocol!
- Insist on what
- Make this small issues a big issues ... go into the details again!

Dominance = defending extreme positions, set tone and temper, bullying

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Close = Pressure

Tactics and (dirty) Tricks

Shape - Salami Tactics:

- Gradually chipping away position by making small, incremental demands or concessions

Counter Technique:

- Recognize and call out
- "I notice we're making a series of small changes. Let's revisit our original agreement and ensure any alterations are necessary and mutually beneficial." ... ups!

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Tactics and (dirty) Tricks

Closing - :

- Right before closing the deal ... "I'm ready to sign, but I'm just hesitant about this one clause..."

Counter Technique:

- Address the specific concern directly.
- Go over everything again and make it a little tedious ... they won't try this again!

Dominance = defending extreme positions, set tone and temper, bullying

Shape = Sublime manipulations

Close = Pressure

Tactics and (dirty) Tricks

Closing - :

- "Yes, I agree to the terms, but can we also include free maintenance for a year?"

Counter Technique:

- „We've agreed on these terms. Let's finalize this“
- “Discuss XYZ as a separate contract later.“
- Like before ... open the package again to full extend!

Dominance = defending extreme positions, set tone and temper, bullying

Shape = Sublime manipulations

Close = Pressure

Tactics and (dirty) Tricks

Closing - Now or Never:

- "This offer is only on the table until the end of the day."

Counter Technique:

- Show willingness to walk away
- Ask for rationale: "Can you explain why the offer is time-sensitive?"

Dominance = defending extreme positions, set tone and temper, bullying

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Tactics and (dirty) Tricks

Closing - Take it Or leave it:

- "This is our final offer. Take it or leave it."

Counter Technique:

- Express openness for discussion
- Make clear that you both have interests!
- Communicate to prepare to walk away.

Dominance = defending extreme positions, set tone and temper, bullying

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Real Issues



Real Issues



Concept: Tactical Empathy:

Child: Refuses to do their homework, insisting on playing video games instead.

- **Position:** Wants to play video games all evening.
- **Interest:** The child is seeking enjoyment and relaxation after school.

Parent:

- **Position:** Insists on homework being done before playing games.
- **Interest:** The parent is concerned about the child's education and discipline.

Resolution:

- Acknowledges the desire to relax
- Suggests a compromise: One hour of homework followed by one hour of video games

When decision-making there are many alternatives.

Not one method suits all, and negotiation might not be the best fit.

First understand whether or not negotiation is even a valid choice in your decision-making.

Real Issues



Concept: Strategic Manipulation:

Terrorist: In 2008 FARC has taken many hostages split among 3 locations

- **Position:** Holding hostages to leverage political or strategic gains.
- **Interest:** Asserting control and influence, possibly seeking concessions or demonstrating power.

Negotiator:

- **Position:** Rescuing the hostages without storming the location to avoid risk to lives.
- **Interest:** Ensuring the safety of the hostages and weakening the terrorists' bargaining power.

Resolution:

- Colombian military deceived FARC by posing as an NGO. Exploited the terrorists' belief system and internal communication channels, leading to the successful and non-violent rescue of the hostages. The use of infiltration, misinformation, and role-playing by the Colombian forces resulted in a peaceful resolution, aligning with their interest in safeguarding lives without direct confrontation

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Real Issues



Concept: Calibrated Questions:

Teenager: Wants to stay out late with friends, beyond their usual agreement.

- **Position:** Wants stay out all night.
- **Interest:** Seeking independence and social time with friends.

Parent:

- **Position:** Concerned about safety and prefers the teenager to return home late.
- **Interest:** Ensuring the teenager's safety and maintaining family rules.

Resolution:

- "What can we do to ensure you have a good time with your friends while also making sure you're safe and back home on time?"

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Not one method suits all, and negotiation might not be the best fit.

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Real Issues



Concept: Tactical Empathy:

Kidnapper: A kidnapper taken hostages in a bank.

- **Position:** Demands a safe passage and a helicopter for escape.
- **Interest:** The kidnapper is fearful of being captured or killed and seeks a way out without harm

Negotiator:

- **Position:** Police want hostages released before any demands are met.
- **Interest:** Ensuring safety of hostages, while aiming to apprehend the kidnapper without violence.

Resolution:

- Use empathy to acknowledge the kidnapper's fear and desperation
- Offering guarantees on safety if surrendering.
- Suggests a step-by-step approach, releasing one hostage at a time as a sign of good faith.

When decision-making there are many alternatives.

Not one method suits all, and negotiation might not be the best fit.

First understand whether or not negotiation is even a valid choice in your decision-making.

Real Issues



Concept: No-Deal Option / Framing:

Child: Refuses to eat vegetables during meals

- **Position:** Does not want to eat any vegetables.
- **Interest:** Dislike for the taste or texture of vegetables.

Parent:

- **Position:** Wants the child to eat a balanced diet, including vegetables.
- **Interest:** Concerned about the child's nutrition and health.

Resolution:

- Make vegetable into a super-hero smoothie, but at the price of excluding the dessert!

When decision-making there are many alternatives.

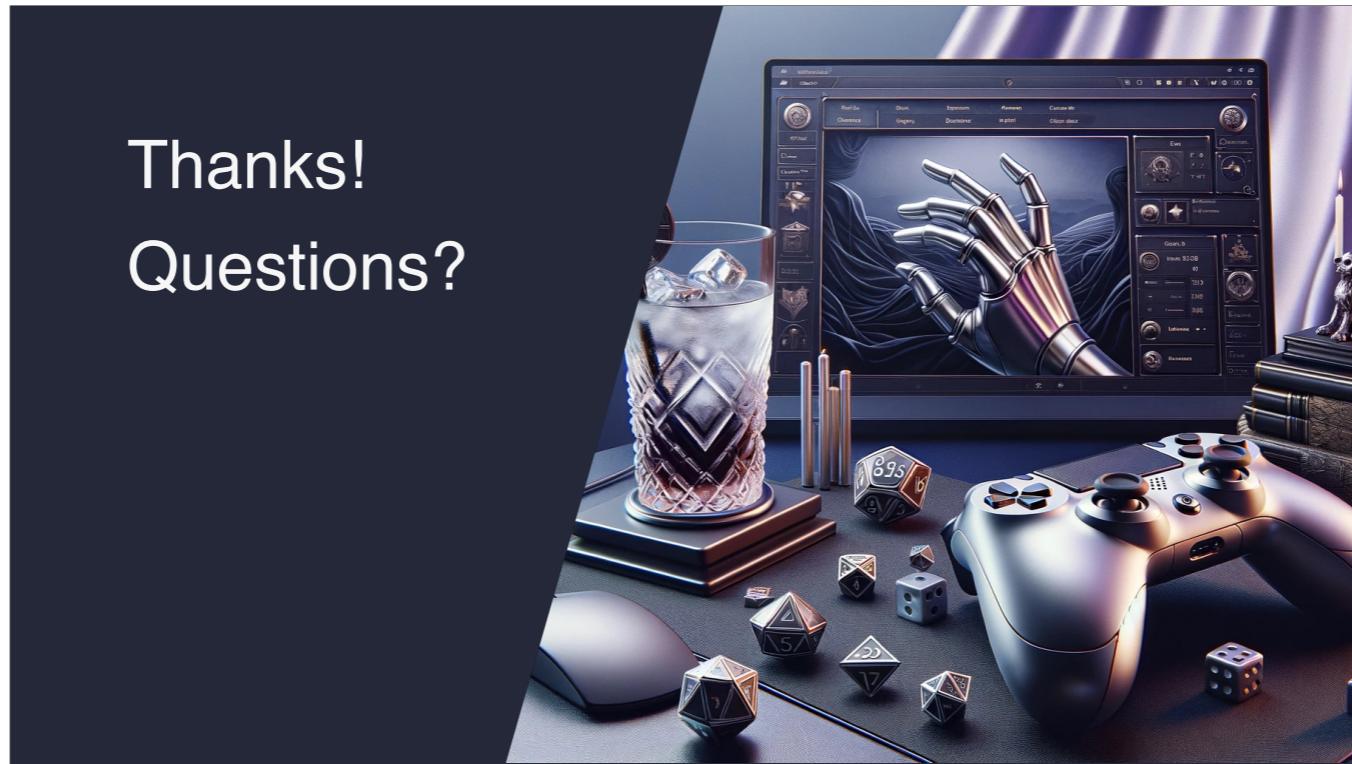
Not one method suits all, and negotiation might not be the best fit.

First understand whether or not negotiation is even a valid choice in your decision-making.

You are already a negotiator!

Negotiators are partners,
not opponents!

Thanks!
Questions?



Books



Dominance = defending extreme positions, set tone and temper, bullying

Shape = Sublime manipulations

Close = Pressure

Negotiation Simulation

Negotiation Simulation

Four phases	Four questions
Prepare	What do we want?
Debate	What do they want?
Propose	What wants could we trade?
Bargain	What wants will we trade?

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Negotiation Simulation



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