

SEVEN ELEMENTS OF EFFECTIVE NEGOTIATIONS

Adapted from Getting To Yes – Negotiating Agreements Without Giving In, R. Fisher and W. Ury

1. RELATIONSHIP: AM I PREPARED TO DEAL WITH THE RELATIONSHIP?

- a) A good negotiating relationship is needed to address differences and conflicts.
- b) Separate people issues (relationship) from substantive issues.
- c) Plan and prepare to build and maintain a good working relationship.
- d) Be respectful, trustworthy and constructive.

2. COMMUNICATION: AM I READY TO LISTEN AND TALK EFFECTIVELY? CREATING A LEARNING CONVERSATION

- a) Core Skills – Basic Communication Skills in Negotiation
 - i. Active listening – To do active listening, we must overcome some of our tendencies and habits that interfere with good listening.
 - ii. Acknowledging what has been said AND not said (felt) – Have you effectively demonstrated to the other negotiators that you have heard and UNDERSTOOD what they have said? Use paraphrasing and summarizing.
 - iii. Listen to understand; speak to be understood – Have you thought about ways to communicate with the other party by using words, tone and body language in a way that they will understand (and stay open to hearing)?
 - iv. Speak for yourself, not them – Have you let them know what are the crucial needs for you and how you feel about the problem at hand? Use “I” statements.
 - v. Speak for a purpose – Have you thought through the timing and impact of what you wish to say? Be clear and concise.
- b) Core Skills – Communications to Gather Knowledge and Learn About Their Interests
 - i. Clarifying and Probing Skills
 - Have you thought about basic questions for clarification (including empathetic questions) you might ask to draw out the interests from the other negotiator? E.g. can you explain...help me understand?
 - Could you use consequential questions to draw out the other side? E.g. what would you need to...?

ii. Integrative Framing Skills

- Paraphrasing – Have you given feedback in your own words or what you understand the key interests on the other side to be?
- Summarizing – Can you accurately draw together the main points of the discussion up to that point in time?

3. INTERESTS: WHAT DO PEOPLE *REALLY* NEED (interests)?

- a) Collectively identify and articulate the interests (concerns and needs) of both parties (yours and theirs). Remember: most parties do not even know their interests.
- b) Identify and prioritize compatible (shared) interests. Get on the same page.
- c) Probe for your and their unarticulated or underlying interests.
- d) Share and clarify the respective interests of each party. Move beyond speculation to stated acknowledgement of interests.
- e) Use interests as a basis to develop viable options.

4. OPTIONS: WHAT ARE THE POSSIBLE AGREEMENTS OR BITS OF AN AGREEMENT?

- a) Brainstorm options to meet interests of both parties
- b) Find ways to maximize joint gains for both.

5. ALTERNATIVES: WHAT WILL I DO IF WE DO NOT AGREE?

- a) What if we can't negotiate a resolution?
- b) Identify and articulate our best/doable alternatives to a negotiated agreement.
- c) Have a BATNA ready
- d) Identify the best and worst alternatives for them (predict their BATNA).
- e) Fully understand the implication, consequences, risks of your and their BATNA.

6. LEGITIMACY: WHAT CRITERIA WILL I USE TO PERSUADE EACH OF US THAT WE ARE

NOT BEING RIPPED OFF?

- a) Fairness is a governing consideration.
- b) Use external criteria and objective standards as a basis to legitimize your preferred options and as a shield against unreasonable proposals from the other side.

- c) Use demonstrable “fairness” of the process and outcome to persuade them of the merits of a proposal.

7. COMMITMENT: WHAT COMMITMENTS SHOULD I SEEK OR MAKE?

- a) Get commitments at the end; not at the beginning.
- b) No post-negotiation surprises (or regrets)

8. CONCLUSION: WHAT IS A SUCCESSFUL OUTCOME?

- a) Meets interests of both parties--to the greatest extent possible.
- b) Demonstrate fairness.
- c) Better than BATNA.
- d) Substantive issue is settled AND relationship is not damaged.