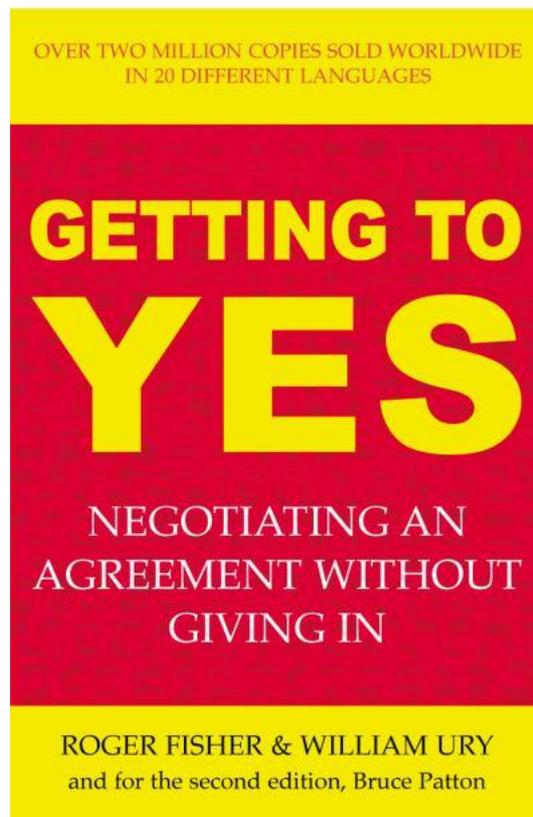




Getting to Yes

Negotiating an agreement without giving in

by Roger Fisher and William Ury



THE BOOK IN A NUTSHELL

'Principled' negotiation is based on four key areas (PIOC):

People - Separate the people from the problem

Interests - Focus on interests not positions

Options - Create options for mutual gain

Criteria - Agree criteria for decision making upfront

Paul Arnold Consulting
PLANNING - FACILITATION - TRAINING
27 Kingsfield Avenue, Harrow, Mddx HA2 6AQ
07768 775988 paul_arnold@me.com



"Let us never negotiate out of fear. But let us never fear negotiating"
John F Kennedy

THE BOOK

Ideal negotiations should accomplish three things:

- 1) Produce a positive agreement for both sides
- 2) Be efficient
- 3) Not damage the relationship.

'Principled negotiation' helps achieve this. It has four tenets:

- 1) People - Separate the people from the problem
- 2) Interests - Focus on interests not positions
- 3) Options - Create options for mutual gain
- 4) Criteria - Agree criteria for decision making upfront

1) PEOPLE - Separate the people from the problem

We are not robots. We all have emotions and egos. People often come to the negotiating table high on anxiety. Be aware that emotions can easily be triggered through language, tone, body talk or action (even small unmeant quips or looks can destroy the rapport). People can easily mis-interpret the meaning.

One of the problems of emotions is they are transferable and can get mixed together (anxiety moves into anger; stress at home moves into the boardroom etc). Therefore it's key to first identify the emotions (on both sides) and then take them out of the room before formal negotiations start.

Most negotiations happen with long-term partners (indeed in many cases the value of the relationship is more important than the substance at stake in the negotiation - so do not lose sight of what is really important). Spend time up-front to build a trusting empathic relationship (preferably well before the negotiation period) as this is the key to successful negotiations.

All too often we get lost in the details of the negotiation and ignore the impact on the people. Work on building relationships - the more we can move from talking to strangers to talking with people we know, the better. Thus every negotiation has two axes to focus on: The substance of the negotiation and the relationship between the parties.

Likewise if it is already a difficult relationship this can negatively affect the current negotiation (as there will not be 'clean' conversations - people will often read new meanings into comments made based on their past experience).



We all see and feel the issues differently from the other parties (so don't deduce their intentions from our own fears). We often falsely assume that we know the right answer (and get frustrated when the other side does not understand our logic). So it's key to always summarise what we believe we have heard.

We tend to see the merits of our argument and the faults of theirs (it's psychologically easier to blame the other side for issues that actually are more to do with our side). Instead we need to step into the other side's shoes. Seeing their point of view does not necessarily mean having to agree with it. But to not know it almost certainly makes it much harder to negotiate successfully. We need to understand not only the context and issues but the emotional intensity people feel about it. If we do not acknowledge and address the emotional side, we will not be given the chance to negotiate on the more tangible aspects of the issue.

It's important to get the key stakeholders on their side involved in the discussions early on, else their perceptions/needs/demands may not be completely understood. It's important to try to understand their hierarchy of importance (as less flexible on their key issues). The problem can also be that not everyone on each side is totally aligned (so may need to spend time with your own stakeholders first to ensure complete alignment).

2) INTERESTS - Focus on interests not positions

It's critical to be clear of what we really want (and what the other parties also want). Critically this is rarely our initial bargaining position which disguises what is really important.

Keep asking 'Why?' - so can reach the higher reasons that drive the demand. Often at the higher level we can find a mutually shared goal which unlocks alternate solutions.

Ask 'Why not?' - this also helps highlight what's at stake - especially when exploring alternates.

Identify *all* their interests - often it's not the top ones that hold-up negotiations, but the smaller ones that often go unsurfaced until much later on. Sometimes their interests are in different areas from your own (which allows for a few quick wins to get the negotiation off to a good start).

The most powerful interests in any negotiation are the basic human needs:

- Security
- Economic well being
- A sense of belonging
- Recognition
- A sense of equality and
- Control over one's life.

Sort out these fundamental needs first and the money issues tend to fall into place. Often lack of respect can be a key issue going into negotiation and if badly handled, could jeopardise the negotiation.



Communicate interests - There is often a 'game' played in negotiations whereby the cards are kept close to the chest. But since the purpose of negotiation is to address our issues, it makes much more sense to be quite explicit about what we want. If we reveal our interests upfront then more likely this will stimulate to other side to do likewise.

Bring interests to life - It is our role to 'sell' our interests to the other side and make them appreciate their importance. The more they can 'experience' emotionally our interests, the greater the likelihood they can be influenced.

Do not denigrate their point of view - At this stage we should not dismiss or rubbish their position (as that puts up barriers). Instead listen to learn, and respect they have a legitimate different point of view. Only when a person feels understood, listened to and respected will they then offer us the same courtesy.

Be hard on the problem but soft on the people - Commit wholeheartedly to the higher level interests (as then they understand their importance), but be gentle on the people. We need to keep these two areas quite distinct in our head at all times. Thus we may attack the issue but support the person.

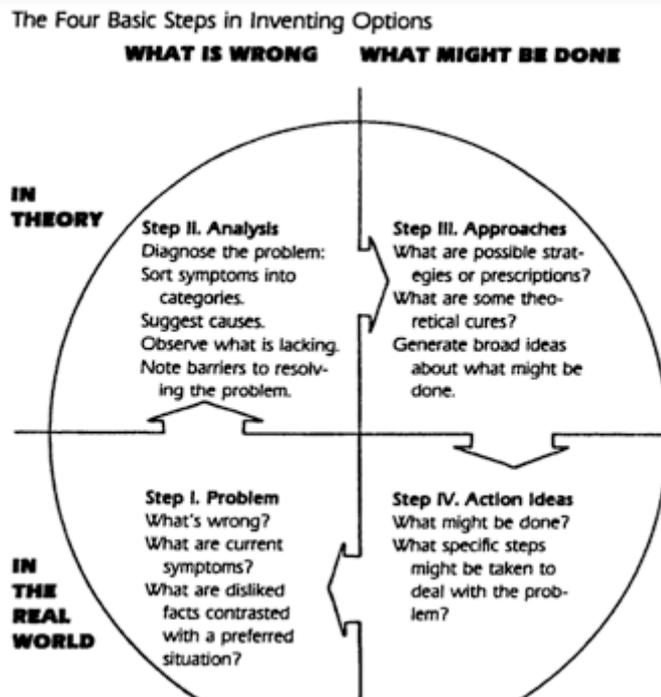
Focus on the future not the past - too often negotiations get caught-up arguing over what has happened, rather than spending the time on what needs to happen in the future.

Help them make an easy decision - structure the proposal in a way that addresses their key interests (as they will have to go back and 'sell it in' to other stakeholders) as they cannot be seen to have 'lost-face'. It is therefore helpful to think through the proposals and ask, '*How easy would this be for them to sell these proposals back into their organisation?*'

3) OPTIONS - Create options for mutual gain

Breakdowns often happen when one party demands one thing and the other party are not flexible. If we understand their real interests then it allows the creation of a range of other solutions.

The authors prescribe a four step process to inventing options:



Within this, they recommend:

- 1) Co-creating options with the other side
- 2) Looking through the eyes of different experts
- 3) Breaking the problem down into smaller parts (and then find options to solve those smaller parts)
- 4) Clustering together some weaker ideas to make a stronger unified one

Furthermore, when we hit a stale-mate, put some further options on the table to move things along.

4) CRITERIA - Agree criteria for decision making upfront

In the heat of negotiation it's easy to lose sight of what is really important. We must therefore agree ground rules for decision-making up-front - otherwise the goals posts might move.

Deciding upon these objective criteria have two dimensions: the criteria itself and the empirical benchmarks any proposal needs to address. Both of these start to open up insights into the other side's positioning strategy. What is key is to ensure we separate the discussions over criteria for agreement (i.e the rules of the game) away from the actual negotiation (the game in play). Only after the 'rules of the game' have been agreed should we start 'playing the game'.



Further techniques and strategies

What if they are more powerful? - No amount of skilful negotiation will augment against the other side with a more powerful bargaining position. That said, we often underestimate the power of our position versus the other side.

We need to decide our 'walk away position' - i.e. the lowest point that we will be prepared to do a deal on. To make our position stronger, we need to work out what we will do if we can't agree. It's called the BATNA (Best Alternative To A Negotiated Agreement). The stronger our BATNA, the stronger our negotiating position and the happier we are to walk away. (otherwise we can feel trapped into an agreement - at any cost).

It's therefore worthwhile exploring a number of BATNAs and developing them in advance. Potentially we may want to expose our BATNA to them.

What if they won't play? - Sometimes, the other side do not want to 'play a fair game'. There are three strategies to consider:

- 1) Focus on principled negotiation - i.e. keep on pushing to negotiate along the lines laid out in this book.
- 2) Third party - Call-in an independent facilitator to help manage the negotiation process.
- 3) Negotiation Jujitsu - Typically, the other side will aggressively attack our position and potentially even criticise us personally. These we need to ignore. When they assert their position, do not attack it (if we do, we end up playing their game). Rejecting their position only cements and reinforces their position.

Ask questions - Questions do not criticise but educates. Instead seek out the higher purpose and underlying principles of their proposals - keep pushing to understand more and more about their position. Try suggesting hypothetical scenarios that get them to discuss the impact on our side (so they can start to see how their position is untenable). Furthermore, use pauses and silence - they are powerful weapons. When it's time, we can use what they have said to create a winning solution (as their replies would have given a deep insight into their perspectives).

Don't defend our ideas. Invite criticism and advice instead - Rather than defending our position, get them to explain in detail why our ideas are so wrong. Get them to suggest alternatives. This way we entice them to see our side.

What if they use dirty tricks? (e.g. Playing psychological games, good guy/bad guy routine, threats, time pressure tactics, extreme demands, lock-in tactics, using a 'back-stop' decision-maker who changes the deal at the last minute or deliberately deceiving us with phoney facts or holding back data).



The most common response is to just put up with it, not rock the boat and hope it's a one-off incident. Sadly, this is rarely successful.

It's best to raise the issue explicitly so the 'game' is made public. This may be enough to make it stop.

Another tactic is to agree extra ground rules that cover off any of these underhand activities they are employing.

Also insist on objectivity - ask them the rationale behind their activities.

Finally if all else fails then play the BATNA.

NET....

As with many areas in life, the more we prepare in advance the greater the likelihood of success. Gather as many facts as we can. Be clear what the high level interests are on both sides. Develop responses to specific questions, and be clear of roles & responsibilities, tactics and strategies. Negotiation is as much an art form as a science. The more we practice the more skilled and confident we will become. The key is to learn.

CRITIQUE

This is one of the 'classics' of negotiation. It forms a solid basis for the theory of negotiations but is short on practical tangible specifics. Nor does it really discuss the different types of negotiation that takes place.

The basic assumptions of 'principled', wise/efficient and relationships can be questioned. For example in many cases there is no 'long term relationship' (so who cares for a 'win-win?')

Net I think I would recommend you to read this summary, and then spend the time saved reading *Getting More: How You Can Negotiate to Succeed in Work and Life* by Stuart Diamond.



The promise of the 'gestalt' of multi-agency projects rarely comes true when agencies are left to self manage the process.

With my 25 years experience managing such projects both locally and globally (combined with my MSc in Organizational Change and skills in NLP and TA) I can help improve the effectiveness of your holistic communications.

Please contact me for a free hour's presentation of my learnings from interviewing 30 different agencies and clients on the key blocks and solutions for running successful integrated projects.