

Negotiating Win-Win Agreements

Possible Negotiation Outcomes

Win-Lose, Lose-Win, Lose-Lose, Win-Win, No Deal.

Positional Bargaining

Each side takes a position, argues for it, and makes concessions to reach a compromise. This often results in lose-win, win-lose, or lose-lose (e.g., splitting the difference). Default move for most amateurs.

Principled Negotiation

Alternative method to positional bargaining designed to produce “wise outcomes efficiently and amicably.”

A “Wise Agreement” meets the legitimate interests of each side to the extent possible, resolves conflicting interests fairly, is durable, and takes community interests into account.

The Book: *Getting to YES: Negotiating Agreement Without Giving In* by Roger Fisher and William L. Ury

- The Method:

- Separate the people from the problem
- Focus on interests, not positions
- Invent options for mutual gain
- Insist on using objective criteria

- Know your BATNA (Best Alternative To Negotiated Agreement)

Positional Bargaining vs. Principled Negotiation

Soft Positional Bargaining	Hard Positional Bargaining	Principled Negotiation
Participants are friends	Participants are adversaries	Participants are problem-solvers
Goal is agreement	Goal is victory	Goal is a wise outcome, reached efficiently and in a friendly, cooperative manner
Make concessions to cultivate the relationship	Demand concessions as a condition of the relationship	Separate the people from the problem
Soft on the people, soft on the problem	Be hard on the people, hard on the problem	Be soft on the people, hard on the problem
Trust others	Distrust others	Proceed independent of trust
Change your position easily	Dig in to your position	Focus on interests, not positions
Make offers	Make threats	Explore interests
Disclose your bottom line	Mislead about your bottom line	Avoid having a bottom line
Accept one-sided losses to reach agreement	Demand one-sided gains as the price of agreement	Create/invent options for mutual gain
Search for the single answer: the one answer they will accept	Search for the single answer: the one answer you will accept	Develop multiple options to choose from; decide later
Insist on agreement	Insist on your position	Insist on using objective criteria
Try to avoid a contest of will	Try to win a contest of will	Try to reach a result based on standards, independent of will
Yield to pressure	Apply pressure	Yield to principle, not to pressure. Reason, and be open to reason

Principled Negotiation Method

Separate the people from the problem

- Negotiators are people first
- Every negotiator has an interest in the result, and in the relationship
- Separate the relationship from the substance; deal directly with the people problem (perception, emotion, and communication).

Focus on interests, not positions

- Interests define the problem.
- Each side has multiple interests. Discover underlying interests by asking directly. Ask yourself “Why?” “Why not?”
- The most powerful interests are basic human needs.

Invent options for mutual gain

Major obstacles that inhibit the inventing of an abundance of options:

1. Premature Judgment
2. Searching for a single answer
3. Assumption of a fixed pie
4. Thinking that "solving their problem is their problem"

Insist on using objective criteria

- Frame each issue as a search for objective criteria: “Let’s figure out what a fair price would be” “How did you arrive at that figure?”
- Reason and be open to reason

Summarized from: Fisher, R. & Ury, W. 1991. Getting to Yes: Negotiating Agreement Without Giving In

Win-Win Language

- What's most important to your client?
- What if...?
- How are you?
- Let me see what I can do.
- Help me understand...
- Give me something I can work with so I can go to bat for you.
- How can I help you?
- What is your biggest concern?
- What is your client's biggest concern?
- Tell me more about...
- Can I give you a call?
- I'm looking forward to working with you.
- If my client would _____, would your client _____?