



ELEMENTS OF NEGOTIATION

I. Define the problem

- A. Identify your own interests
 - 1. Know what your Best Alternative To a Negotiated Agreement (BATNA), is; where you want to end up;
 - 2. Evaluate proposals for agreement against BATNA
- B. Listen to understand the other party's interests:
 - 1. suspend your reactions
 - 2. question your assumptions
 - 3. acknowledge their points
 - 4. show respect
 - 5. distinguish between the person and the behavior;
- C. Ask Questions to clarify issues
 - 1. why? why not? what if?
 - 2. ask if you have understood what they said
 - 3. ask their advice and ideas, what would they do in your shoes?
 - 4. ask open-ended questions, how? or who?
 - 5. invite criticism, how can it be done better? how is it not fair?

II. Determine standards to measure options

- A. Establish that parties have the authority to negotiate and decide
- B. Search for measurements of a fair solution
 - 1. market value
 - 2. equal treatment
 - 3. legal standard
 - 4. ways it has been resolved before

III. Generate options/possibilities

- A. Create an environment of exploration and collaboration
 - 1. tackle the problem together
 - 2. accept their position
 - 3. ask for more explanation
- B. Expand the pie
 - 1. invent first, evaluate later;
 - 2. develop a concept of abundance rather than scarcity, from fear to possibility;

IV. Evaluate options, overcome obstacles, problem-solve

- A. Reframe positions as interests, change the game by changing the frame (from positions to joint problem-solving);
- B. Build a "golden bridge" from their position to a mutually satisfactory solution
- C. Use your influence to educate the other party about ways you both benefit from agreement; address consequences of not agreeing;

V. Proposal: A possible agreement to which you would say yes

- A. Select an option that satisfies your interests better than your BATNA would and that satisfies the other party better than their BATNA would.
- B. Offer the other side an attractive way to explain their decision
- C. Make a plan for the necessary steps to agreement

VI. Agreement/ Commitment

- A. Look for opportunities to say yes and ways to get the other party to say yes
- B. Minimize risks of failure by building guarantees into the agreement
- C. Aim for mutual satisfaction, not victory (try to bring the other to their senses, not their knees)