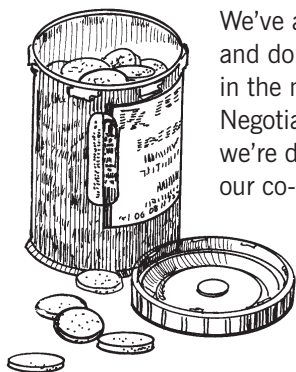


Preparation: the Prescription for Negotiation Success



We've all been there and done it. We're in the midst of The Negotiation, the one we're dreading with our co-worker, boss, customer, or even spouse. We've done the reading about negotiation; maybe we've even taken courses.

At some point - maybe a point where things are not going very well - we stop and listen to ourselves. The new negotiation techniques have disappeared. We find ourselves saying the same things we would have said before and, no surprise, they're still not working for us. That's what had motivated us to read or take the course in the first place.

How can we avoid this problem? Preparation, preparation, preparation. The more important this negotiation is to us, the more time we need to spend on preparation. The risks of "just talking" without preparation are high. This is particularly true if we are trying to improve our negotiation techniques. By being unprepared we are not giving ourselves a chance to plan to succeed in our new techniques. Even without the challenge of using new negotiation techniques, if we are unprepared we are surrendering to the other side, at the very least losing for both sides the benefit of our creativity to solve the problem.

"But I don't have time to prepare!"

You don't have time not to prepare. Preparation will probably save you more time than it takes. The well-prepared negotiator is ready to hone in on the critical interests, develop creative options, and evaluate offers more quickly than the negotiator who is not prepared. The more

complex the negotiation, the more time your preparation will likely save.

"But I don't know how to prepare!"

Making a list of what we want and our "bottom line" list of the minimum we'll accept is what some people do for preparation. This is preparation for a positional negotiation, a tug-of-war which consists of each of us making demands and then compromising. In order to be effective as principled negotiators, also called interest-based negotiators we need to do a very different type of preparation.

(For more information about interest-based negotiation see *Common Ground* September 1999 and *Common Ground* # 10, Sept/Oct 2000.)

Preparation Prescription: The Group of Seven

1. Interests: Understanding interests is key for interest-based negotiation. Interests are our motivation: the needs, hopes, fears, desires and concerns that drive us. Interests may not only be related to the substance of the negotiation. They may be procedural, "I need to be involved in setting the date because of the implications for my business"; or psychological, "I need to feel that my ideas are valuable". This is much more helpful than thinking about your position, that is, your demands such as dollars or conditions. Your position is one solution which will satisfy you. If you prepare by thinking about interests rather than positions, you will be much better able to make sure your interests are met and to find creative solutions which will work for both people.

In preparation you need to list your interests in detail. In another column list what you know or can guess of their interests. Consider which interests you likely have in common.

2. Options: Your goal is a good outcome, the best possible way of meeting the interests of both of you. Options are possible ideas for agreement or parts of an agreement. During your preparation develop at least 2 and preferably more options. If you just have one option you will be likely to get things stuck by using that idea as your position.

It is also helpful when thinking about options to consider the options on which you expect agreement and those on which you expect differences.

3. Objective Criteria: We want to be treated fairly and so do the people on the other side of the table. How do we assess whether the options we are considering are fair? Look for external standards that could be applied such as precedent, expert opinion, or industry practice.

Another idea is to use reciprocity. Are there situations in which the other side negotiates in a position similar to yours? If so, what standards do they use in that situation? Could those standards be applied here?

4. Alternatives: This is critical to think about in advance because it helps you understand whether you should even negotiate. Consider your walkaway alternatives. What are the worst, best and most likely alternatives open to you? What are likely to be their alternatives? If your alternatives are better than any outcome of this negotiation then consider whether you need to have this negotiation.

5. Negotiators: Do your research on the people. Find out about their negotiating style. Start thinking about how to "separate the people from the problem". In other words how can you have a good working relationship with them and keep that

Lightning Prep

Quick relief when there isn't time for full preparation

In 5 columns on a piece of paper write the following lists:

- ⚡ my interests - what I really need
- ⚡ their interests - what I think they really need
- ⚡ options - several possible options that we might agree on
- ⚡ objective standards - how will we assess whether our options are fair
- ⚡ my alternatives - what if I walk away from this negotiation?

Continued from Page 1

separate from the problem between you? Think about what might be wrong now between you and them. How can you try to understand them better, or build trust, or show respect? In other words what active steps can you take to build that working relationship?

Another consideration is who will attend the negotiation. In addition whether or not they are present, consider who on each side will be significantly affected by the outcome - the constituents, boss, friends, family and others.

6. Externals: Consider the world outside this negotiation. What are the economic, political or legal implications of this negotiation? How will it matter whether an agreement is reached or not?

7. Logistics: Before contacting them to arrange for the meeting, think about a neutral way to describe the topic you will be negotiating about. The invitation to come to your supervisor's office to discuss "how we work together" is much more likely to start things off positively than an invitation to come and discuss "your bad attitude".

Much has been written on the location of negotiation. Should it be at your place, their place or a neutral location? There isn't enough space here to get into the detailed considerations. In your preparation it is important to consider the advantages and disadvantages of the place and the time of the negotiation for you and for them. For example is it your busy season, or just before their year end?

If you like forms, design for yourself a form specific to the type of negotiation that you do. Include space to make notes for the full Group of Seven Preparation Prescription.

Munn-thly Memo

Q. What do I do to prepare for a mediation session? I'm retired and I live in a townhouse-style condominium. My daughter and her nine-year-old son have been living with my husband and me for the last 6 months. The neighbours have complained about her car being parked in our driveway in contravention of the condominium rules. I don't think the car is in anyone's way since it's not on the road. My daughter is trying to get herself on her feet since the breakup of her marriage. She's in a college program, and working part-time until she graduates in about 8 months. Her plan is to get a job and be self supporting soon after. I don't want to throw her out because she and our grandson need our help and support. I have heard that there are also complaints about a child living with us. Now the parking issue is scheduled for a mediation session with 2 representatives of the condo board and I don't know what to do to be ready.

A. In mediation a skilled impartial person helps the parties to negotiate. The mediator's job is not to decide what to do, but to chauffeur the car to the destination you and the other party want. You need to prepare the same as for a negotiation, as described in the Group of Seven Preparation Prescription (on page 1 of this issue of Common Ground). Please see *Common Ground # 23*, Spring 2004 where there will be space for a more detailed answer.

Mark Your Calendar

Upcoming Training Events
Presented by Kathryn Munn

How to Prepare for Mediation

Canadian Condominium Institute -
London & Area Chapter

January 27, 2004 at London Ontario
Call 519-453-0672 for more information
and registration.

Dealing with Difficult People

Alternate Dispute Resolution

Canadian Association of Family Enterprise

February 18, 2004 at London Ontario
Call 519-642-4349 for more information
and registration.

Fundamentals of Mediation

Full 40 hour program

Fanshawe College, St. Thomas Campus

Part 1 - April 13 & 14, 2004

Part 2 - May 11 & 12, 2004

Part 3 - June 8 & 9, 2004

Call 519-633-2030 for more information
and registration.

I am pleased to fill requests for presentations about mediation and negotiation at meetings of professional and business groups. Call or e-mail to make the arrangements.

Electronic Common Ground

If you prefer to be on our e-mailing list please send us an e-mail.

Kathryn Munn, LL.B., Cert. ConRes., C.Med. is a mediator, arbitrator and lawyer. Through her firm Munn Conflict Resolution Services she works exclusively in alternate dispute resolution from a base in London, Ontario, Canada. She is a Roster Mediator, Ontario Mandatory Mediation Program - Toronto / Ottawa / Windsor, a mediator under contract for the Farm Debt Mediation Service of Canada and for government departments.

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