



Technische  
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# Negotiation



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# What is negotiation?

## Principled negotiation:

- Separate the people from the problem

- Focus on interests not positions

- Create options for mutual gain

- Use objective standards

- Know your BATNA

## Core concerns

- The zone of possible agreement

- Persuasion

- Distributive and integrative negotiation

- Negotiation and conflict styles

- Empathy

# THREE

Positions and Interests  
Positional Bargaining  
Interests-Based Negotiation

Which three criteria do Fisher / Ury  
say we should use to judge the  
success of a negotiation?



A position is something quantified that you want

A demand for something specific: a specific sum of money, time, place, person, etc.







## **Positional Bargaining**



# When does positional bargaining make sense?

In bargaining situations at markets, in politics, etc., where positional bargaining is the basis of the rules of the negotiation game

At moments where very quick decisions are needed

To de-escalate a situation

When relationships are less important

# Focus on interests not positions

1. My wife wants a dog
2. My partner does not want me to work
3. A company wants compensation for breach

## Case 1: My wife wants a dog



# Case 1: My wife wants a dog

My wife wants a dog

I do not want a dog

Either you can have a dog or you cannot

There is no middle way or compromise

We are stuck in positions







**Case 1: My wife wants a dog**





# Case 1: My wife wants a dog

Why do you want a dog?

What is it that you find attractive?

- something to cuddle

- childhood dream

- now the children are on their way . . .

- someone to take on walks

**company**

# Case 1: My wife wants a dog

Why don't you want a dog?

What is it that you find difficult?

don't want to have to take it out

don't want to look after it when you are away

no dogs in cities

**autonomy**

# Case 1: My wife wants a dog

a solution that meets both interests:

company and autonomy

my wife has her dog

it is not my dog and not our dog



**Negotiating for interests not positions**

**We have a dog**

# Looking for Interests

ask why

in a non-confrontational way



# Case 2: Back to work

My partner does not want me to go back to work



# Case 2: Back to work

My job was stressful and I was off sick for a while

Now I feel ready to go back

My partner says s/he doesn't want me to go back

I feel under pressure from all sides

ask **why**

# Case 3: Hot and Spicy BBQ

## **Charmaster**

ordered parts worth \$10m

parts not received

ordered with a new supplier at  
higher price

gave discounts to own customers

claims for damages: \$20m

## **Ductoheat**

agreed to supply the parts

did not have signed contract

refuses to pay any compensation

no contract = no claim for breach

Case by Tracy Allen, in *International Commercial  
Mediation Role-Plays*, ed. Bond / Wall, Paris 2015.

# Case 3: Hot and Spicy BBQ

## **Charmaster v Ductoheat**

What do you think their interests are?

remember to formulate them in a way that is:

positive (what they want, not what they do not want)

open to solutions (not positional)

emotionally resonant

maybe there are some shared and some different interests

# Case 3: Hot and Spicy BBQ

## **Charmaster v Ductoheat**

They can also have interests related to their process – how they communicate and how they resolve disputes

Can you think of any process interests here?



**An interest is what underlies the position, the reason you want something**

**Interests are positively formulated, emotionally resonant, and can be open to flexible solutions**

**And: there are different kinds of interests:**

# INTERESTS: 4 categories

**Material:** prices, money, resources, time, who gives whom what?

**Relationship:** how do we want our relationship to be?

**Process:** how do we want to negotiate / communicate?

**Self:** what I need for my self-esteem, independent of the above?



# Interests and Needs / Core Concerns

**security, economic well-being, a sense of belonging,  
recognition, control over one's life  
(Fisher / Ury)**

**autonomy, appreciation, affiliation, status, role (Shapiro /  
Fisher)**

# Talking about Interests

Make your interests come alive:

be specific and explain your interests

acknowledge the other side's interests

understand the problem before finding the answer

do not rush to solutions

look to the future

be flexible

hard on the problem, soft on the people (separate)

(Fisher / Ury)



# The measure of a negotiation

**Fisher and Ury say:**

“Any method of negotiation may be fairly judged by three criteria: It should produce a wise agreement if agreement is possible. It should be efficient. And it should improve or at least not damage the relationship between the parties.”

*Getting to Yes, Chapter 1*

**they are talking about interests  
on the material, process and relationship levels**

# YOUR CASE

What are the interests?