

# Getting to Yes: Negotiating Agreement Without Giving In – Roger Fisher & William Ury

## *Notes and Takeaways*

### **There are four principles needed for effective negotiation**

- o **Separate people from the issues**
- o **Focus on the interests and objectives**
- o **Generate multiple options looking for mutual benefits**
- o **Insist that the results be based on some objective standard**

Everyone needs to negotiate no matter who they are or where they live

In most cases negotiators take hard positions and choose to negotiate only if the initial positions are met, a better stance is to negotiate based on objective and outcome

- o Position and objective are not the same thing

Separate people from the problem

- o Negotiators are people first

Every negotiator has two kinds of interest

- o In substance and in the relationship
- o Relationships are far more important than any individual negotiations

When problems arise, change how you treat people not by making negotiation concessions

### **Separating people from the issues**

- o People will almost always become personally involved with the issues on their side of the negotiation
- o To help separate people from the problems you must work to disentangle the two and work to address the problem on its own
  - Being seen as sitting on the same side of the table, attacking the problem together is the best way to separate
- o When people and issues are tied together, ego becomes involved which can muddle a solid negotiation
- o Making concessions to maintain a relationship is never good because it will enable stubbornness and reward those who dig in
- o There are three basic types of people problems
  - Difference on perception of the actual problem
    - Define the problem together to help solve
  - Emotions
    - Humans are emotional and negotiations can become emotional
    - Always acknowledge the emotions and try to understand their source to help mitigate this problem

- Apologies or expressions of sympathy can help defuse emotions
- Communication
  - Often times negotiators will not listen well but just bide their time in order to form a rebuttal – this is a mistake
  - Give a speaker your full attention, often times trying to summarize their points to show you understand their points or motivation

### **Focus on interests and objectives**

- “Your position is what you decide on, your interests are what caused you to decide”
  - Focus on interests rather than positions
- The best agreement satisfies the objectives of each party and does not deal with the actual positions taken
- Negotiating from a “positions stance” clouds the true objective and often makes negotiated compromises difficult
- Strive to know the counterparty view or “why they hold the positions they do?” – consider the “why” of their position based on their interest and the “why not” of another position
- Interests may differ among members on the same side, do your best to meet multiple interests, but always understand what is the most important interest of the collective group
- Always look forward to desired solutions rather than dwelling on past disagreements

### **Generate multiple options for mutual benefit**

- Often people quickly decide on an option and fail to consider other creative avenues
- Four steps to creating options
  - State the problem
  - Analyze the problem
  - Consider general approaches
  - Consider specific action
- Separate the invention process from the evaluation stage
  - Your party should try to come together and brainstorm all possible solutions to the problem
  - Encourage wild and off the wall proposals
  - Focus on shared interests to avoid a win/lose scenario
- The key to negotiating good options is finding items that are low cost to you and high benefit to the other party
  - Try to make proposals that appeal to the other side and that the other party would find easy to agree to
- Must identify the decision makers, and target proposals directly
- Always support with reasonable facts

- Proposals are easier to agree to when a precedent has been set and are legitimized by previous facts
- o Threats or hard negotiation tactics are rarely effective

**Insist that the results are based on some objective standard**

- o Whenever interests are directly in conflict parties should use objective criteria to resolve their differences
- o Criteria should be legitimate and practical to the negotiation
- o Defer to market value, expert opinion, court rulings, etc.
- o When the other party provides objective criteria, ask for their reasoning in coming to that conclusion

Never threaten a bottom line threshold – it causes you to dig in to a position and often negotiations are rapidly fluid and changing - you want to maintain flexibility

- o A bottom line position is almost always arbitrary and should not be revealed as the final details can change quickly

Have a BATNA (Best Alternative To a Negotiated Agreement)

- o Explanation of BATNA in detail [here](#)
- o A BATNA should be researched prior to a negotiation, diligently analyzed and fully explored
- o Negotiators should have an understanding of what their BATNA is during any negotiation
- o “The reason to negotiate is to obtain something better than the results you can obtain without negotiating”
- o A weaker party should reject agreements that leave them worse off than their BATNA
- o **Power in negotiations comes from being able to walk away**

- Having a BATNA allows you to do this
- The party with a better BATNA generally has the advantage in negotiations

When dealing with someone who won't negotiate on principles there are three main options

- o You may continue to negotiate from the positioned approach
- o You utilize negotiation jujitsu – refusing to respond in kind and deflecting the attack back on the problem
  - When the opposite party asserts their position – respond by asking the reason behind their position
  - When the opposite party attacks your position or personnel – respond by taking it as constructive criticism and ask for further “feedback and advice”
  - Redirect personal attacks back towards attack on the problem
- o Deflect against any direct asks and push back on the problem

If the opposite party uses unethical tactics, uncomfortable seating, or media leaks – respond by explicitly raising the issue

- o Always seek verification of the other side's claims – trust but verify
  - Ask for further clarification, but be careful not to call them names
- o If they are stubborn with their claims, ask for other certainties
  - "It's not a matter of trust. Are you certain that your client will pay?"
  - "Of course", "A hundred percent certain?", "Yes"
  - "Then you won't mind a contingent agreement. Your client will agree to make child support payments. If for some inexplicable reason he misses two payments in a row, then my client will get the equity in the house (minus the amount your client has paid) and your client will no longer be liable for child support."