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Negotiation: Art and Science

Boyd Fuller

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A little about me:

- Former irrigation engineer
- Resolving conflicts in the field
- PhD at MIT on public dispute resolution
- Teaching at University of Michigan and now National University of Singapore

"Tell him that I sincerely apologize for grabbing him by the hair, and beating his head on the negotiating table."



Being an experienced negotiators doesn't mean we are effective negotiators!



Your Negotiation Challenges?

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Good negotiation is:

*Cooperating when
you disagree!*



Good negotiation can be:

*Helping others and
having it our way!*



Seven Elements Framework

Strategic preparation for Negotiations

- Interests
- Alternatives
- Options
- Standards of Legitimacy
- Relationship
- Commitment
- Communication

Interests

= *what you want or need*

- Identify your interests AND the interests of your counterparts.
- Assign importance to each interest (yours and theirs)
- Diagnose shared, different, and conflicting interests.

Alternatives

= *the ways I can meet my interests without you.*

- Best alternative to a negotiated agreement (BATNA):
 - the best of my alternatives.
 - Tells me when I could do better without you.
 - A strategic negotiator improves their own BATNA. You *may* also consider ways to weaken your counterpart's BATNA



Options

= *the ways we can meet our interests together.*

– Include:

- Common interests (e.g. we both want to look good)
- Trades across differences (e.g. we both care about A and B. I prefer A to B. You prefer B to A. I give you A and you give me B)
- Don't settle for one option!

Legitimacy/Objective Criteria

= *external standards used to establish what's "fair" or "legitimate."*

- E.g. using average pay for employees of the same caliber to determine your pay.
- How would you identify possible standards of legitimacy?
 - look for precedents outside the parties' influence,
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Relationships

= “working relationships.”

- Work effectively and respectfully with you.
- Work on relationships as a separate task from substance
- What might go wrong and how can I avoid those errors?
- Remember: we don’t have to like each other to achieve good outcomes

Commitment

= *what needs to be done to implement the deal*

- Authority: what can the representatives agree to and who needs to sign the deal to make it official?
- Who else's support do we need to make it happen?
- How might I (we) manage the authority of representatives over the duration of the process?

Communication

= A strategy for effective communication

- What should I share? When do I share it? Who do I share it with?
- How do I make sure that the “message intended” is the “message received?”
- What information do I need? How can I get it?
- What kind of process would be most effective?



Let's try it out

Yan and Zhang
Negotiation Exercise

Various options and combinations

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12 Angry Men

A Case Study in Effective Negotiation

Planning influence

- Put parties in three categories:
 - **Allies**: the ones whose interests are most aligned with mine. The ones that I can easily find common ground with.
 - **Opponents**: the ones whose interests are most opposed to mine. The ones that I will have to work very hard to bring in.
 - **Recruitables**: the ones who have some interests that I can meet, and who have some things that I want. These are the ones whom I could get, and perhaps others could too.



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Let's watch
the movie!

Traditional power was less important

- Were alternatives and BATNA an important source of power in this deliberation?
- Did he have authority as a “wise man” or because of his position?

Playing the right game

- How did Juror #8 get the others to play a better negotiation game?

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Suggested Reading



Getting to Yes: Negotiating Agreement Without Giving In Roger Fisher & William L. Ury

3-D Negotiation: Powerful Tools to Change the Game in Your Most Important Deals
David A. Lax, James K. Sebenius



Difficult Conversations: How to Discuss What Matters Most. Douglas Stone, Bruce Patton, Sheila Heen