

# Harvard concept (fisher and urgy)



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BUSTER**

" Getting to Yes" (also called the Harvard concept) describes a method called principled negotiation to reach an agreement whose success is judged by three criteria: 1. It should produce a wise agreement if agreement is possible. 2. It should be efficient. 3. It should improve or at least not damage the relationship between the parties. The authors argue that their method can be used in virtually any negotiation. Issues are decided upon by their merits and the goal is a win-win situation for both sides. Below is a summary of some of the key concepts from the book.

The four steps of a principled negotiation are: 1. Separate the people from the problem 2. Focus on interests, not positions 3. Invent options for mutual gain 4. Insist on using objective criteria In principled negotiations, negotiators are encouraged to take the view that all the participants are problem solvers rather than adversaries. The authors recommend that the goal should be to reach an outcome " efficiently and amicably. " The steps can be described in more detail as follows. Step 1: Separate the people from the problem All negotiations involve people and people are not perfect.

We have emotions, our own interests and goals and we tend to see the world from our point of view. We also are not always the best communicators; many of us are not good listeners. Getting to YES outlines a number of tools for dealing with the problems of perception, emotion and communication. However, the authors stress that separating people from problems is the best option. The keys to prevention are: " building a working relationship" and " facing the problem, not the people. " Think of the people you negotiate with on a regular basis.

Generally, the better we know someone, the easier it is to face a negotiation together. We tend to view people we don't know with more suspicion: just what is "Bob" up to? Take time to get to know the other party before the negotiation begins. Think of the negotiation as a means to solving a problem and the people on the other side as partners helping to find a solution.

Ideally both parties will come out of a negotiation feeling they have a fair agreement from which both sides can benefit. If the negotiation feels like a situation of "you versus them", the authors suggest a couple of options:

1. Raise the issue with [the other side] explicitly... 'Let's look together at the problem of how to satisfy our collective interests'.
2. Sit on the same side of the table.... Try to structure the negotiation as a side-by-side activity in which the two of you – with your different interests and perceptions, and your emotional involvement – jointly face a common task.

Step 2: Focus on Interests, Not Positions

The authors use a simple example to explain the difference between interests and positions: "Two men [are] quarrelling in a library. One wants the window open and the other wants it closed. .... Enter the librarian.

She asks one why he wants the window open: 'To get some fresh air [his interest]'. She asks the other why he wants it closed: 'To avoid a draft' [his interest]. After thinking a moment, she opens wide a window in the next room, bringing in fresh air without a draft. "The interests of the two men are the desire for fresh air and the desire to avoid a draft. The men's positions are to have the window opened or closed. The authors say we need to focus, not on whether the window in their room is opened or closed, but on how we can meet both the need for fresh air and the need to avoid a draft.

More often than not, by focusing on interests, a creative solution can be found. In this little example, each man has one interest but in most negotiations, each party will have many interests and these interests will likely be different than yours. It's important to communicate your interests to the other party. Don't assume they have the same interests as you or that they know what your interests are. Don't assume you know what interests the other party has. Discussion to identify and understand all the interests is a critical step in the process. Step 3: Invent Options for Mutual Gain

The authors feel that a common problem with many negotiations is there are too few options to choose from. Little or no time is spent creating options. This, they feel, is a mistake. There are four steps to generating options: 1. Separate inventing from deciding. Like in any brainstorming session, don't judge the ideas people bring forward, just get them on the board. 2. Broaden the options on the table rather than look for a single answer. Remember the men at the library? The only option they saw was opening or closing the window in the room they were both sitting in.

In fact, there are many options: borrow a sweater, open a window in another room, move to a different spot, etc. 3. Search for mutual gain. In a negotiation, both sides can be worse off and both sides can gain. Principled negotiations are not about "I win" and "you lose". 4. Invent ways of making the other party's decisions easy. Since a successful negotiation requires both parties to agree, make it easy for the other side to choose. This is where putting yourself in the other person's shoes can be very valuable. What might prevent "Bob" from agreeing?

Can you do anything to change those things? Step 4: Insist on Using Objective Criteria

Principled negotiations are not battles of will. There is no winner and you don't need to push your position until the other backs down. The goal is to "produce wise agreements amicably and efficiently". Use of objective criteria helps remove the emotion from the discussion and allows both parties to use reason and logic. You may have to develop objective criteria and there are a number of ways that can be done, from "traditional practices", to "market value" to "what a court would decide".

Objective criteria "need to be independent of each side's will." Once objective criteria have been developed, they need to be discussed with the other side. The authors provide some guidelines: 1. Frame each issue as a joint search for objective criteria. 2. "[Use] reason and be open to reason" as to which standards are most appropriate and how they should be applied. 3. "Never yield to pressure", only to principle.

Common Challenges Following these steps should lead you to a successful outcome, but it isn't always that easy.

The authors then go on to address three types of common challenges negotiators face. Sometimes the other party is more powerful than you: "The most any method of negotiation can do is to meet two objectives: first, to protect you against making an agreement you should reject and second, to help you make the most of the assets you do have so that any agreement you reach will satisfy your interests as well as possible." To protect yourself, develop and know your BATNA: Best Alternative to a Negotiated Agreement. The reason you negotiate is to produce something better than the results you can obtain without negotiating. "The result you can obtain without

negotiating is your BATNA. " The better your BATNA, the greater your power" so it's essential to know your BATNA and take time to make sure it's as strong as it could be. The same will hold true for the other party. There are three steps to developing your BATNA: 1. Invent a list of actions you might take if no agreement is reached" 2. Improve some of the more promising ideas and convert them into practical alternatives.

3. Select, tentatively, the one alternative that seems best Sometimes the other party just won't play: In a principled negotiation, you don't want to play games with the other party and you don't want them playing games with you. The authors advocate three approaches to getting things back on track in this situation: 1. Concentrate on the merits: talk about interests, options and criteria 2. Focus on what the other party may do: try and identify the other party's interests and the principles underlying their position.

3. Focus on what a third party can do: bring in a third party to assist if steps 1 and 2 aren't successful Sometimes the other party uses dirty tricks: You may encounter a party who won't shy away from using dirty tricks. The process for dealing with this type of tactic is to follow the process for principled negotiations: 1. Separate the people from the problem 2. Focus on interests not positions 3. Invent options for mutual gain 4. Insist on using objective criteria 5. If all else fails, " turn to your BATNA and walk out"

The authors close with three points: 1. " You knew it all the time. " Much of what goes into a principled negotiation is common sense. The authors have developed an understandable framework to share the approach with others. 2. " Learn from doing. " You won't become a better negotiator unless you get

out there and practice. 3. Winning: " The first thing you are trying to win is a better way to negotiate - a way that avoids your having to choose between the satisfactions of getting what you deserve and of being decent. You can have both. "