



## The Negotiation Model

### Types of Negotiation

The principal types of negotiation are positional and interest based. Positional negotiation can also be described as "bargaining" or even "haggling". In their book Fisher et al describe interest based negotiation as "principled negotiation". The difficulty with their terminology is the inference that other forms of negotiation are somehow "unprincipled" and/or that their preferred model is necessarily "principled" in a moral sense. The essential differences between the two approaches are not moral or ethical. They are to do with the techniques and methods which are applied in the negotiation process.

For this reason Metanoia Consulting Pty Ltd prefers to use the term "interest based negotiation". In doing so the intention is to align firmly with the model preferred by Fisher et al.

### Differences in Approach: Position based negotiation

This style of negotiation involves the advocacy of at least two contending positions, with the objective of one or the other "winning". The objective is to gain ascendancy and the exchange often presents as a battle of wills. Within this a variety of strategies and tactics may be applied to "win the day". Of course the actual result is frequently not a "winner takes all" outcome.

A process of haggling leads to the striking of a compromise between the two (or more) positions being advocated by the parties.

The negotiation styles, and associated tactics and methods, within this model range from "soft" to "hard". The "soft" negotiator emphasises the importance of the relationship with the other party; and, the risk of the negotiation doing harm; and may be prone to "give in". The "hard" negotiator emphasises the adoption of an extreme opening "position" and stubborn tactics to "win".

In reality, neither style is guaranteed satisfactory outcomes. It is a case of "being careful what you wish for". The soft negotiator may be left with a poor outcome in practical terms. The hard negotiator may exhaust lots of time and resources for marginal practical gains, and do severe damage to the relationship with the other party.

A battle between two negotiators at the "hard" end of the spectrum is a real sight to behold. It becomes the classic haggling over two extreme positions; with claim and counter-claim; acrimony; hostility; and, often a lot of wasted time and energy; to strike a compromise which may not meet the needs of either party but serves to appease the egos involved.

The starting point of entrenched "positions" gives this negotiation model its name.



### Interest based negotiation

The negotiation model preferred by Metanoia Consulting Pty Ltd is interest based. The essential features of this model are:

- The separation of the people from the issues. This requires a deliberate effort to avoid taking the process personally. A variety of techniques exist to assist this aspect. The objective is to maximise the prospect of retaining a positive working relationship and to neutralise the efforts of "hard" negotiators to dominate the process with their determined positions.
- The identification of underlying interests. Instead of relying on stated positions, this model explores the interests of the parties. In some cases there may be shared interests in others the firmly held positions may disguise the scope for agreement. For example, aggressively expressed positions may not allow the underlying purpose to be understood. Divergent interests may offer great opportunities for agreement. Think of one person wanting to sell, and the other wanting to buy. Completely opposite but perfectly complementary interests and plenty of scope for agreement.
- The exploration of options. Again various techniques exist, among them "brainstorming". These allow you to explore the scope for what you may find acceptable before you start. During the negotiation process, it allows new "room" for agreement to be developed and explored.
- The seeking of objective criteria for assessment of options which may be proposed. Why accept something which no sane person would agree to? Find a measure of what is reasonable if possible.

The interest based approach is not a soft option. It requires discipline and restraint. It also requires a professional focus on:

- Achieving an acceptable result for the interests you represent.
- Ensuring that any agreement will stand the tests of time.
- Seeking to maintain, renew or create a positive relationship which meets the interests of the parties. Without this focus, the lack of an enduring relationship may erode any "agreement".
- Keeping a close eye on what might be achieved and at what cost should you walk away from the negotiations. This interest based model is not for "bleeding hearts"! It is about getting the best result on balance.

### Negotiation and Conflict Resolution

The interest based model of negotiation is firmly based in the belief that the best way to avoid conflict is to agree an acceptable outcome in the first instance. Where conflict does arise, it supports the renewal of the underlying interests of the parties, built around their existing relationships. And it explores all options, rather than assuming that any upset associated with a disagreement will determine the future relationship and the achievement of mutual interests.

For these reasons, the model dovetails nicely with other approaches to conflict resolution:

- A well conducted investigation may reveal the prospect for renewed relationship to achieve the interests of the parties however they choose to define them.
- The rebuilding may involve a new round of negotiation, using an interest based approach.
- Or mediation may be an option.



### Negotiation & Mediation

The Mediation area on this website (go to the Services Page) contains an outline of Australian National the Mediation process Model; the National Accreditation requirements and the National Mediation Standards.

The Mediation Process Model and the interest based negotiation model have a great deal in common. The psychological processes between the two have close links. The focus upon clear definition of boundaries and roles is similar. The emphasis upon relationship based communication is virtually identical.

There is no accident here. Metanoia Consulting Pty Ltd subscribes to the interest based approach to negotiations and the Mediation Process Model because of this consistency. And because the two models are, on the available evidence, best able to deliver positive and enduring results.

It is for this reason that Metanoia refers to mediation as "guided negotiation". Mediation is about allowing people to arrive at outcomes which they could have achieved for themselves using an interest based negotiation approach. Regrettably, mediation only becomes necessary when signs of conflict exist. The job from there is to apply a consistent framework to allow rifts to be healed and mutually acceptable outcomes to be achieved.

*The basis for this discussion paper is the text: Fisher,R; Ury,W & Patton,B:"Getting to Yes" Random House, UK 1992 And Fisher et al.*