

## WHAT IS INTEREST-BASED NEGOTIATION?

### (An overview)

Getting a negotiated agreement that works for all the parties (over time) is the ultimate objective of *interest-based* negotiation. In order to meet this objective, the parties pursue a process of mutual disclosure of information focusing attention on the *interests* and *criteria* upon which their original *positions* were based. *Positions* are defined as the self-oriented solutions (to an identified problem/dispute) the parties want to see implemented. E.g. “You people have got to stop changing the rules of the ‘game’. There’s no way I’m going back to my people and make more excuses!” Interests (needs and concerns) are the factors upon which positions are based. Consider the position expressed by one of the negotiators (Negotiator A) in the example above. The interests (needs or concerns) could be related to that person’s feeling of *being manipulated*, *being taken advantage of*, *being seen as ineffective*, *excluded*; the need for *more information* in order to *understand*; concern that his/her *people will lose confidence in him/her or the process*; concern about *unreasonable delay*. Once Negotiator B understands the interests underlying Negotiator A’s position, he/she will be better able to work toward more effective solutions *with* Negotiator B; solutions that meet both of their interests.

The interests of one negotiator are usually unknown to the other because they are so rarely disclosed. To further exacerbate the situation, one’s own interests often become so obscured by the perceived need to maintain a strong position that they become too difficult to consciously access. The position takes over. When the parties demonstrate the willingness to engage in a *mutual exploration* of these underlying interests, they can pave the way for more *creative options* for agreements when the time comes for *joint problem-solving*.

Interest-based negotiation involves the shift from “your position versus mine” to a perspective of “you and I versus *the problem*”. This shift reflects the underlying philosophy that if you and I *integrate* the resources (those evidently available and those we can create working together) rather than *distribute* the resources that are available (the more I get the less you get), we can *synergistically* “expand the pie” or even make something entirely different (a chocolate cake). By doing so, we increase the potential that each of us might obtain what we want in way that neither of us had previously considered. Negotiators who begin as adversaries, limited by their positions, can become partners working together toward effective solutions to the problem.

To some this principle may sound very “pie in the sky”. Given the traditional adversarial approach to negotiating, it is understandable why this theory of negotiation can appear unrealistic. And it is unrealistic unless at least one of the negotiators at the table is willing and able to make the shift from *position-taking* to *perspective-taking*.

This requires that one negotiator be willing enough to **listen** and endeavour to **understand** the other negotiator’s perspective on the situation. In order for this to work effectively, the interest-based negotiator must also proceed with the understanding that his/her perspective must have an equal place in the negotiations and must take responsibility for ensuring that it does. Interest-based negotiation requires that the negotiations be based on all of the parties’ interests. If your interests are not disclosed, it is highly unlikely that they will be reflected in the agreement reached. There is nothing soft or “touchy-feely” about interest-based negotiation; the negotiators work hard on negotiating an agreement vs. working hard on each other. Working relationships do not have to suffer when a negotiation is based on principles of interests, criteria, and clarifying assumptions.

## Summary of the Process

The negotiation process is comprised of four negotiation stages in addition to pre-negotiation preparation. These four stages are logical building blocks that produce a foundation for productive and long-lasting joint agreement-making. The stages will be presented sequentially, and, in reality, they are employed in more of an organic non-linear manner as the process progresses.

### Pre-negotiation preparation

Negotiators who do not prepare for the negotiation significantly hinder their own ability to effectively negotiate (“failing to prepare is preparing to fail”). The interest-based negotiator goes into the meeting with an understanding of what his/her interests are as well as what the other negotiator’s interests might be. The well-prepared negotiator has considered what areas of potential common ground there might be as well as what areas might be the most contentious. She has identified and ideally gathered information that will enable her to use the time most effectively. He has also explored his BATNA and WATNA in order to know the negotiating parameters and to be clear about his investment in making this negotiation work.

### Stage I

This is the introductory phase in which the parties being creating a comfortable environment with one another, and a climate is set for effective and productive negotiating. In the process of creating this climate, the parties negotiate process while agreeing on guidelines. They will also reach an understanding about the general nature of their negotiations (not specific issues).

### Stage II

The objective of this stage is to agree on an agenda of issues for the negotiations. Each of the parties presents the issues as each sees them (often a positionally oriented presentation). The issues are then neutrally framed in agenda form. The neutral frame encourages each of the parties to “buy in” and serves as the bridge to the next stage.

The parties may also negotiate a Shared Base of Information (under the issue heading **Information**). This is a process of agreeing upon resources for generating information that the “table” needs for productive negotiations.

### Stage III

At this stage the parties become engaged in mutual information-gathering and clarification process. The information gathered is interest and criteria based. Through the course of this stage, the parties will identify what is important to each (interests, needs, concerns and fears) and why (bases). Ideally they will also begin to see that there is common ground developing in this exploration of interests. It is here the negotiators produce the raw “building” material for creating the agreements in Stage IV. The bridge to Stage IV is the goal statement which is a summary of the interests, both mutual and individual.

### Stage IV

The goal of the negotiators is to move toward an agreement that works. Agreements may have been reached along the way with respect to some issues, and other issues will require joint

problem-solving. The negotiators generate options first without evaluation (brainstorm). They then go through a process of assessing the options (shortlisting). When terms of an agreement are reached, the parties go through a process of reality and implementation checking (how will this work in the real world?).