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Nadja Alexander

Jill Howieson

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Reflecting on negotiation strategy

Introducing the negotiation navigation map

Nadja Alexander and Jill Howieson

Introduction

In our last contribution to the *ADR Bulletin* ((2009) 11(6) ADR 130) we introduced a 3D model of negotiation that highlighted the importance of understanding the self and the other party in negotiation, creating space for reflective participation by those involved in the process and for providing holistic and balanced models of practice.

In this article we reflect upon negotiation strategies and explore the utility of reconciling the dichotomy between interest-based and positional approaches to negotiation. Ultimately, we advocate for a ‘constructive model’ of negotiation and introduce the ‘negotiation navigation map’ that

serves the negotiator well in preparing for this approach to negotiation.

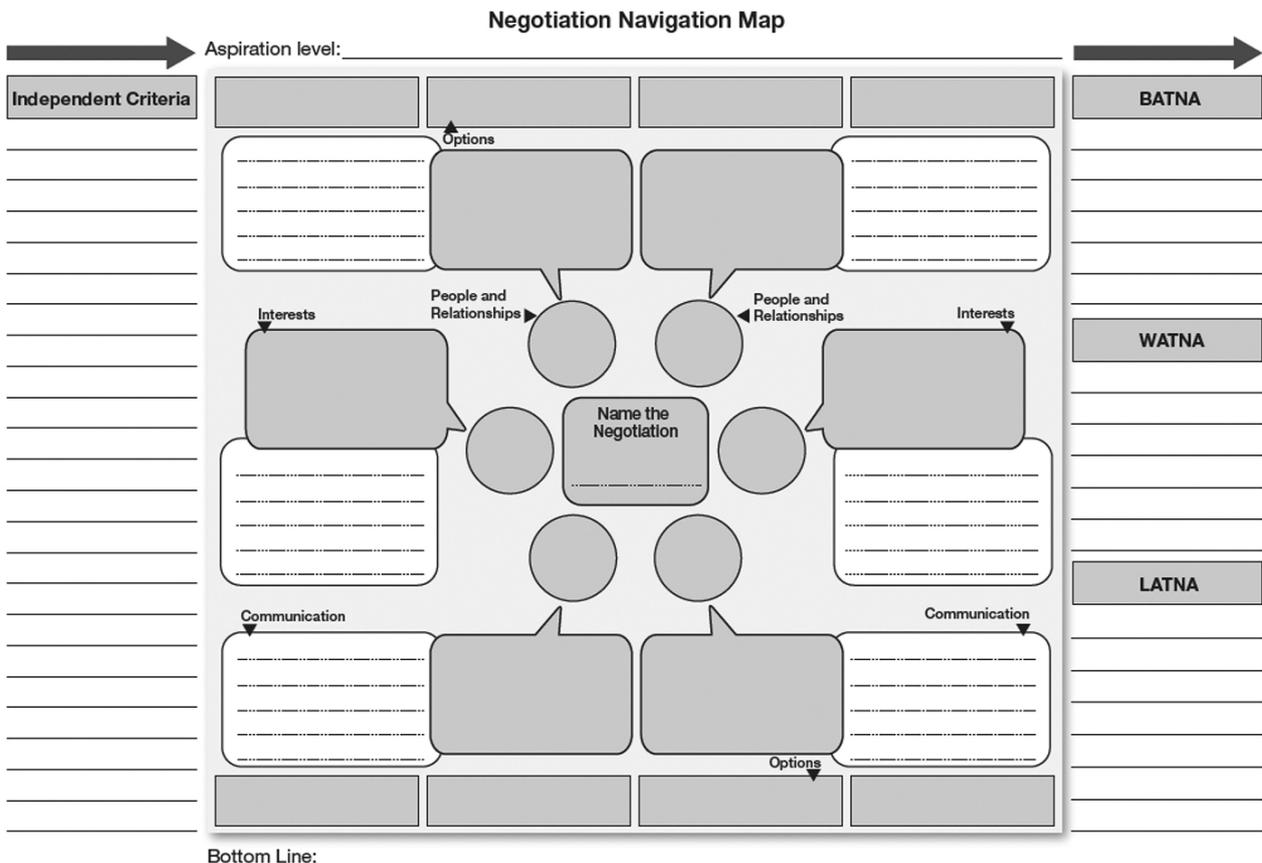
Negotiation strategies

Since the *Getting to Yes* phenomenon of the 1980s, much negotiation training has promoted an interest-based approach and ignored — or in some cases even demonised — positional approaches to negotiation. Interest-based negotiation involves exploring what the person’s interests are and then looking for different ways to satisfy them, rather than arguing and compromising over positions. However, over the years, many academics, trainers and practitioners have found the interest-based approach to be incomplete.

Criticisms of the interest-based approach include:

- Interest-based negotiation does not work unless all parties are engaged in it.
- Interest-based negotiators give away too much information and in the event of no agreement this can be damaging for them in terms of power balances and strategies for subsequent proceedings.
- Interest-based negotiators’ willingness to share information can be exploited by good positional bargainers.

People often equate positional negotiation with aggressively competitive bargaining, which makes use of unconscionable tactics such as





stonewalling, misleading and deceptive conduct, and undue pressure.

However not all positional bargaining conforms to this extreme image. True to its name, positional bargaining focuses on positions rather than interests. Positional bargainers adopt competitive or compromise-oriented strategies and although they are said to place less importance on relationship factors than interest-based negotiators, it would be misleading to suggest that the negotiation relationship is of no importance to positional bargainers. Think of typical positional negotiations like buying or selling a car or a house, or bargaining for items at a garage sale or in a marketplace in the Pacific.

Generally, these negotiations involve what is known as the 'negotiation dance' where parties adopt a series of different positions as they attempt to move towards agreement. However, such negotiations need not be aggressive or without regard to relationship factors. The reality is that most negotiations are a combination of the interest-based and positional models, and they depend on the negotiator's skill to employ the right strategy and style at the right time and in the right situation.

Against this background, we argue for a constructive approach to negotiation. Constructive negotiation draws upon the best of interest-based and positional strategies and aims to maximise a negotiator's ability to make wise decisions. The rest of this article is devoted to introducing a negotiation planning and teaching tool that supports this constructive approach to negotiating.

The negotiation navigation map

The teaching tool is called a 'negotiation navigation map': see figure opposite. It draws upon the ideas of mind mapping which suggest that our brain can respond more quickly to the spatial connections represented in a visually networked 'map' format than to a linear representation of the same material such as lists of dot points.

Moreover, with the aid of a negotiation navigation map we are able to absorb multiple levels of information simultaneously in terms of relationships of power, common and disparate interests, and the value of the offer on the table compared to alternatives such as BATNAs and aspiration levels.

The negotiation navigation map is a

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part of the constructive negotiator's preparation and reflection piece. The negotiator is not expected or required to show it to anyone else during the negotiations.

The map is most useful if the negotiator completes it in an authentic and inclusive manner taking into account the negotiator's own, and the other stakeholders', perspectives. Such an approach provides negotiators with the material necessary to develop an informed constructive strategy to create, in turn, a successful negotiation.

How to use the negotiation navigation map

As a guiding principle to completing the map, begin in the centre and work towards the outside/margins.

The start: name the negotiation

Start in the centre by naming the negotiation. Frame the negotiation in as neutral and open a way as possible to accommodate as many different perspectives and interests as is feasible. The more a negotiator knows about the interests and needs, goals and desires of the other people involved, in addition to his or her own, the better prepared they will be.

For example a native title dispute could be named differently depending on one's perspective. Potential negotiation names could include:

1. Reclaiming Kurilpa (an aboriginal word meaning 'place for water rats');

2. Protecting the farm;
3. Land rights;
4. Mining opportunities;
5. Use of and access to the area known both as the Smith Farm, Hedley Road and Kurilpa (see attached maps).

These are simply examples and many other names are possible.

These names conjure up very different

images of what the negotiation is about and may influence how the negotiation navigation map is drawn. From the above list the most inclusive name seems to be number 4. It is likely to encourage the development of a multi-perspective map.

Second stage: people and relationships

Next, think about the people involved in the negotiation. In most negotiations, there will be, as well as the direct negotiators, others playing an important role in the negotiation, some of whom may attend at the negotiation table and others who, although they may not directly participate in them, have an interest in, and the ability to, influence the negotiations. Include on the map, all the people who have an interest in the negotiation.

For example, Simon is a talented young high-profile football player who wishes to change clubs. As is often the case such a move would involve breaching a current contract and entering into a new one. People interested in this negotiation may include:

- Simon;
- representative of the current club;
- representative of the new club;
- media;
- other football players;
- fans;
- club sponsors;
- Simon's girlfriend and family.



While not all of these people would be at the negotiation table, it is important to consider what their interests are and how they can influence the negotiations. Moreover, the relationships among these various people will provide information about potential alliances and power dynamics in the negotiations. A constructive negotiator will think about the relationships in terms of what communications might enhance or detract from these relationships, and how to build better relationships.

Third stage: interests and communication

In the next stage, identify the interests of the negotiators and other interested people, and fully develop a record of these in the corresponding bubble. Remember that interests can include the needs, desires, fears and concerns of the people and can be substantive, procedural, relational and/or principled.

The interests and relationships between the negotiators and others will inform the communication. The prepared negotiator will be thinking about:

- ‘What messages do I need to get across about my interests, and what questions can I ask to test my assumptions about their interests, and to help me to identify any interests that I haven’t thought about?’
- ‘How do I ask these questions of one without upsetting the other?’ ‘What can I say to show my respect for our relationship?’
- ‘What can I say when I am asked the difficult question that I know is coming?’

There will be a myriad of communication questions and issues (both verbal and non-verbal), and it is best to identify and address these in the preparation part of the negotiation process, rather than wait until you are at the table.

Finishing off the centre: options

Having spent some time analyzing the people, their relationships and interests, and the communication, it is time to begin thinking about potential options for negotiated outcomes. Record these in the boxes around the inside edge of the map. It is important to keep in mind that these are nothing more than ideas

for outcomes (possible solutions) and, in most cases, will be subject to considerable review. Leave space for more ideas, which the negotiators are bound to generate during the negotiation.

Once finished the inner square of the map, it is time to move to its outer parameters.

Left and right hand columns: criteria going in and alternatives coming out

The left-hand column, entitled ‘Independent criteria’, provides space for negotiators to list potential objective criteria, precedents, quotes, benchmarks and other standards that they or others might identify as relevant.

The arrow pointing right indicates that you bring objective criteria *into* the negotiation quadrant. Constructive negotiators will use objective criteria to inform the making of offers in negotiation and to evaluate options — to decide when to preserve workable options and when to discard those that are clearly unfair.

On the right-hand side is a column with a number of headings well known to interest-based negotiators:

- BATNA (best alternative to a negotiated agreement);
- WATNA (worst alternative to a negotiated agreement); and
- LATNA (likely alternative to a negotiated agreement).

The arrow pointing right indicates that these are alternatives that might be available when one *leaves* the negotiation. Identifying the various alternatives to reaching an agreement is imperative for making informed decisions about the wisdom of accepting offers on the table.

The top and bottom sections: positional aspects

Thus far the preparation has followed interest-based negotiation principles. However, the final two parameters of the map (top and bottom) we draw from positional negotiation.

The top parameter asks negotiators for their aspiration-level wish list or goal in relation to the negotiation. This is so that negotiators can compare the offer on the table to the offer that they might have hoped to receive from the other party. It provides yet another measure for judging how the

negotiation is progressing and is particularly useful for stages in the negotiation where positional bargaining occurs.

Finally, the bottom line is an essential element in the positional negotiator’s preparation and it is aptly represented by the bottom line of the negotiation quadrant. As with the other parameters, negotiators can compare the offer on the table with their bottom line — that is, the minimum they are prepared to accept or the most they are prepared to give.

The bottom line can alert negotiators to when they should look to their alternatives and in this way the negotiator can adjust his or her communication to suit, and can know ‘when to hold ‘em and when to fold ‘em’ so to speak. Or in terms of communicating interests, when to share, and when not to share, information.

Conclusion

Taking a constructive approach to negotiation, and preparing and reflecting in a manner that reconciles the interest-based and positional negotiation strategies, can help negotiators overcome the disadvantages of each strategy, and to build a successful negotiation.

The negotiation navigation map assists in this task by requiring constructive negotiators to consider the interests, alternatives, relationships and communications of all the people involved (including their own) and to generate fair options, while at the same time ensuring that they reflect on their own goals and resistance points. By doing this, constructive negotiators will ‘do no harm’ to either themselves or to the others involved, will avoid exploitation and will build each negotiation as a better model for the next one. ●

Nadja Alexander is Professor of Law at City University Hong Kong and Adjunct Professor of Law at Murdoch University in Perth. he can be contacted at <nadjaalexander@mac.com>.

Jill Howieson is the Associate Dean (Students) at the University of Western Australia. She can be contacted at <jill.howieson@uwa.edu.au>.