



USDA FS Signs Record of Decision with Alaska Native tribal members. Lucy Maldonado, MbN 2019

Principled Negotiation

Managing by Network



Negotiation Examples



Think about a recent negotiation at work.

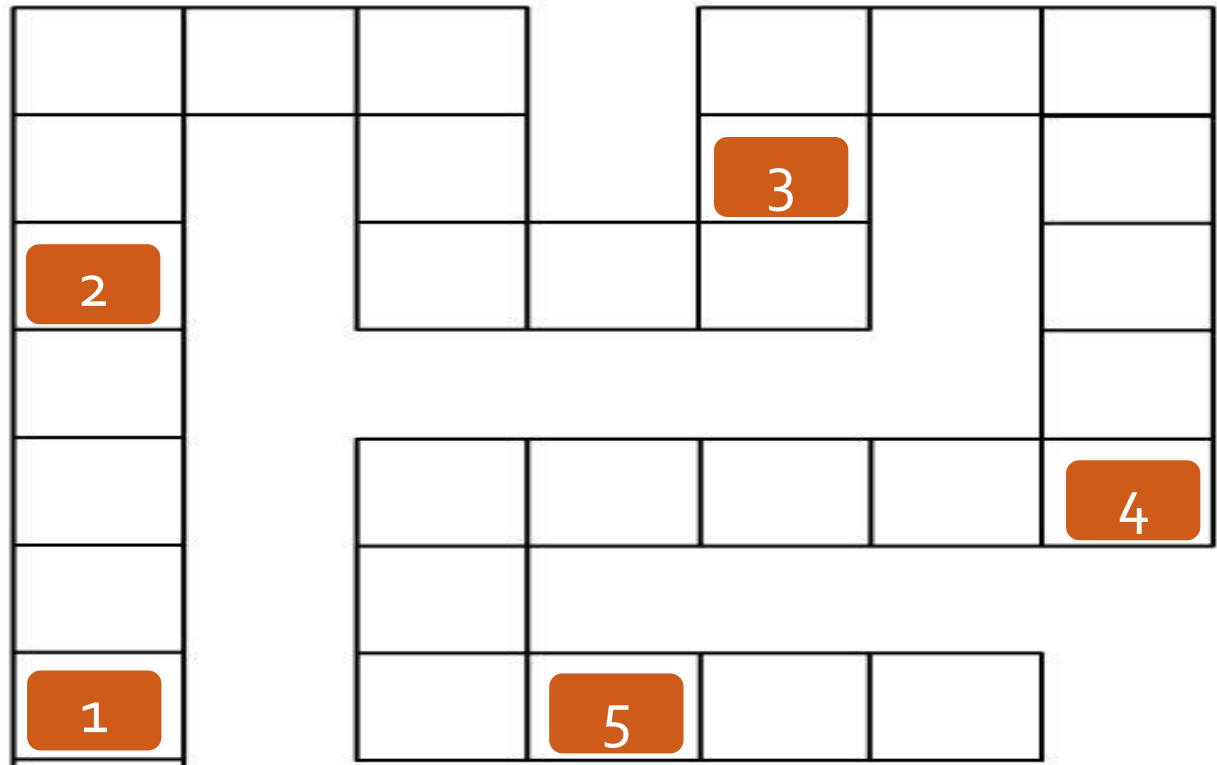
Share in the chat box:

- What was the negotiation about?
- Who was involved?

5 Styles

You have a choice
of negotiation
styles in every
situation.

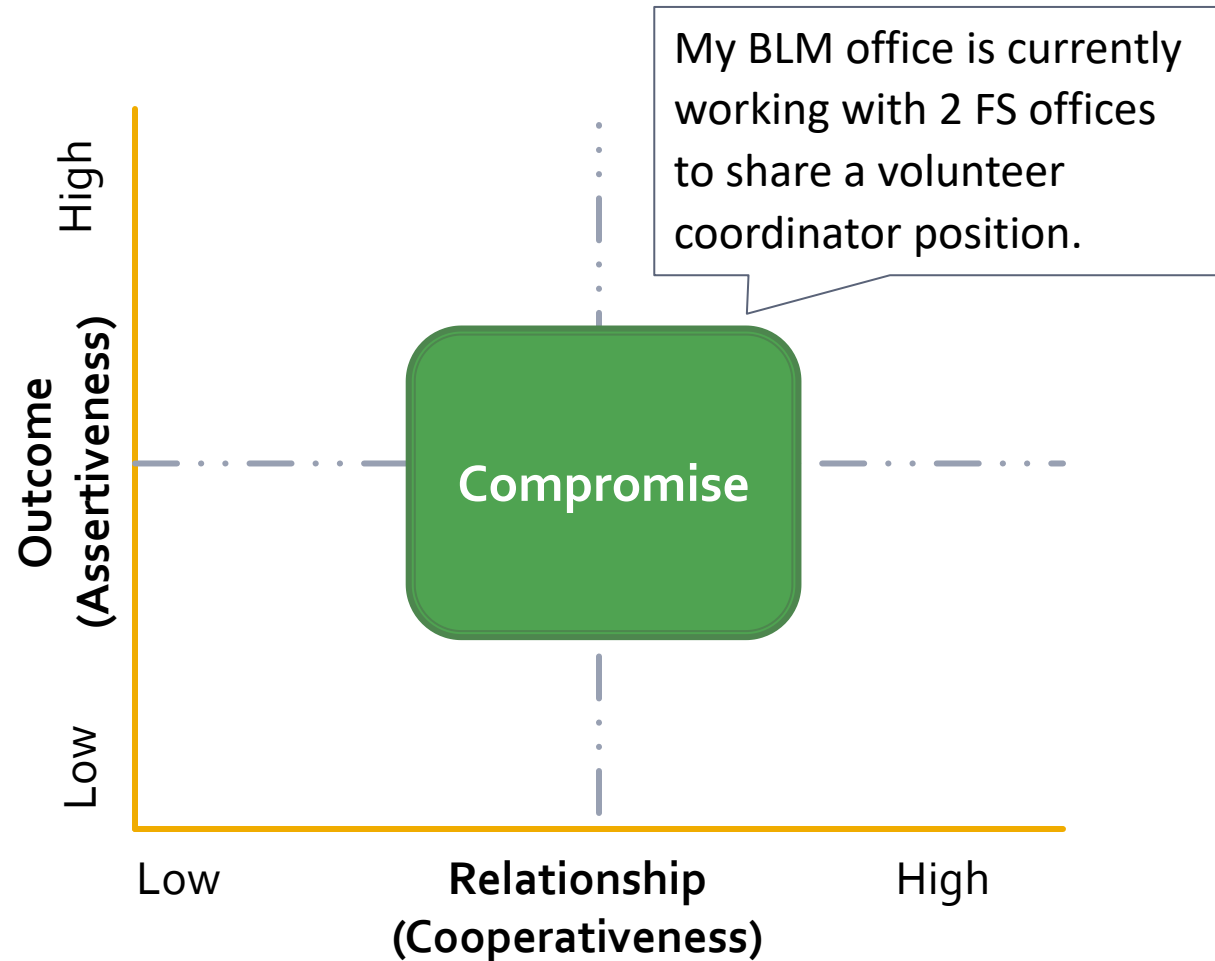
Let's explore 5
negotiation
styles.



Split the Difference

1

Find a solution that gets each party partially what they want.

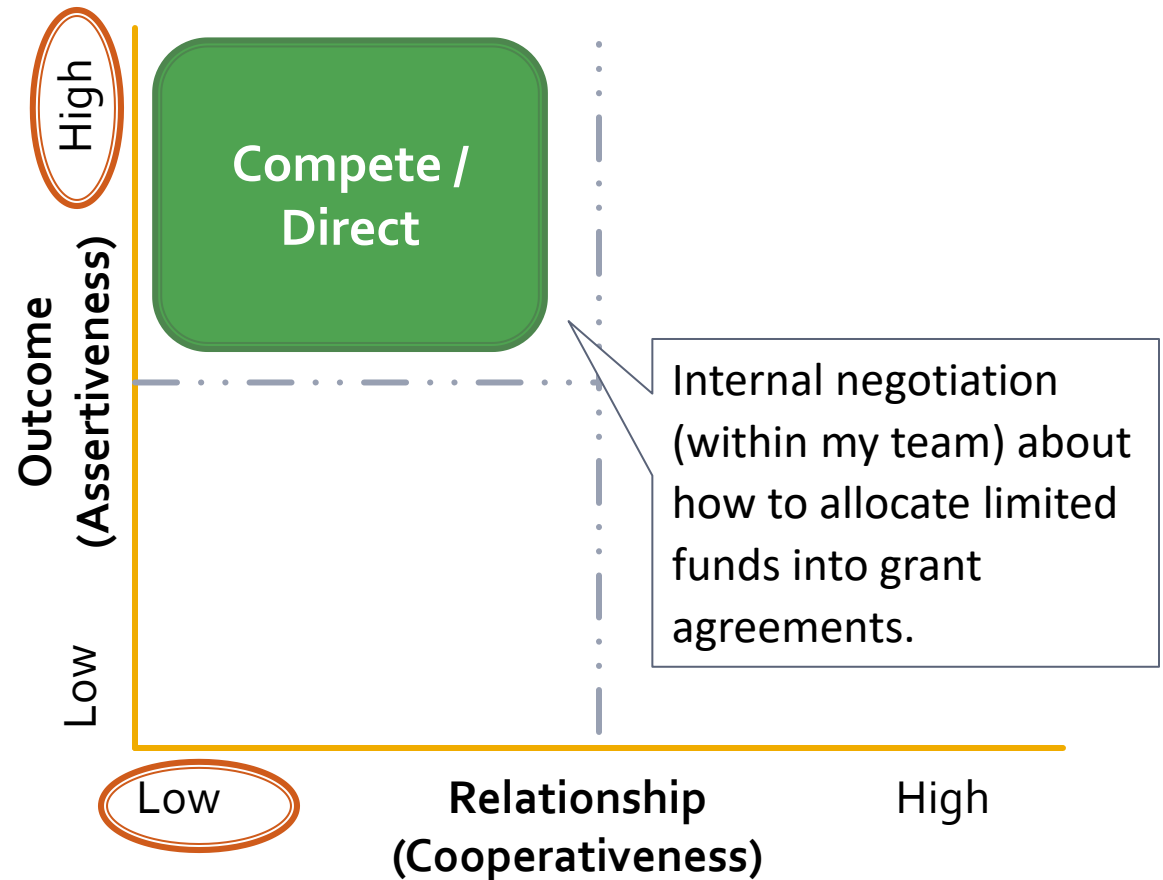


We Need a Win

2

Getting to a specific outcome, or a quick response, takes priority.

Tends to benefit one party over another.

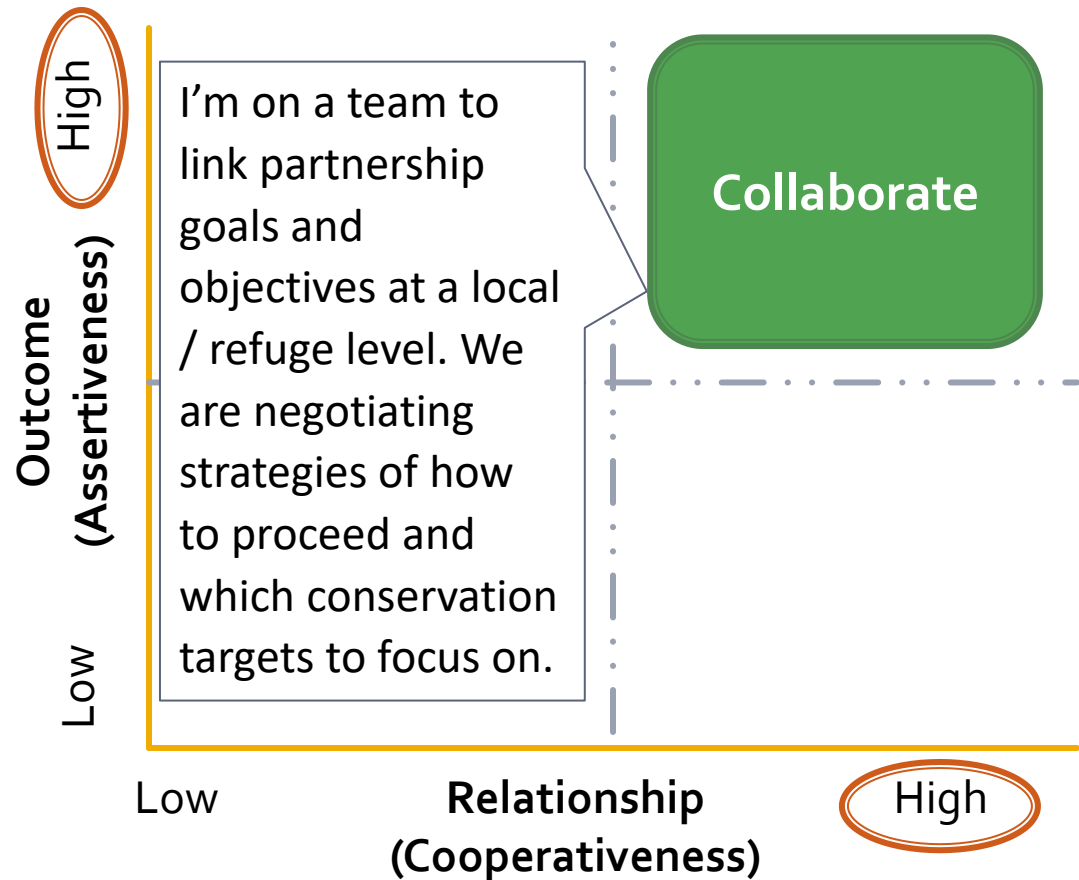


Mutually Beneficial

3

Working with others to find a solution satisfactory to everyone.

Both outcome and relationship are important.

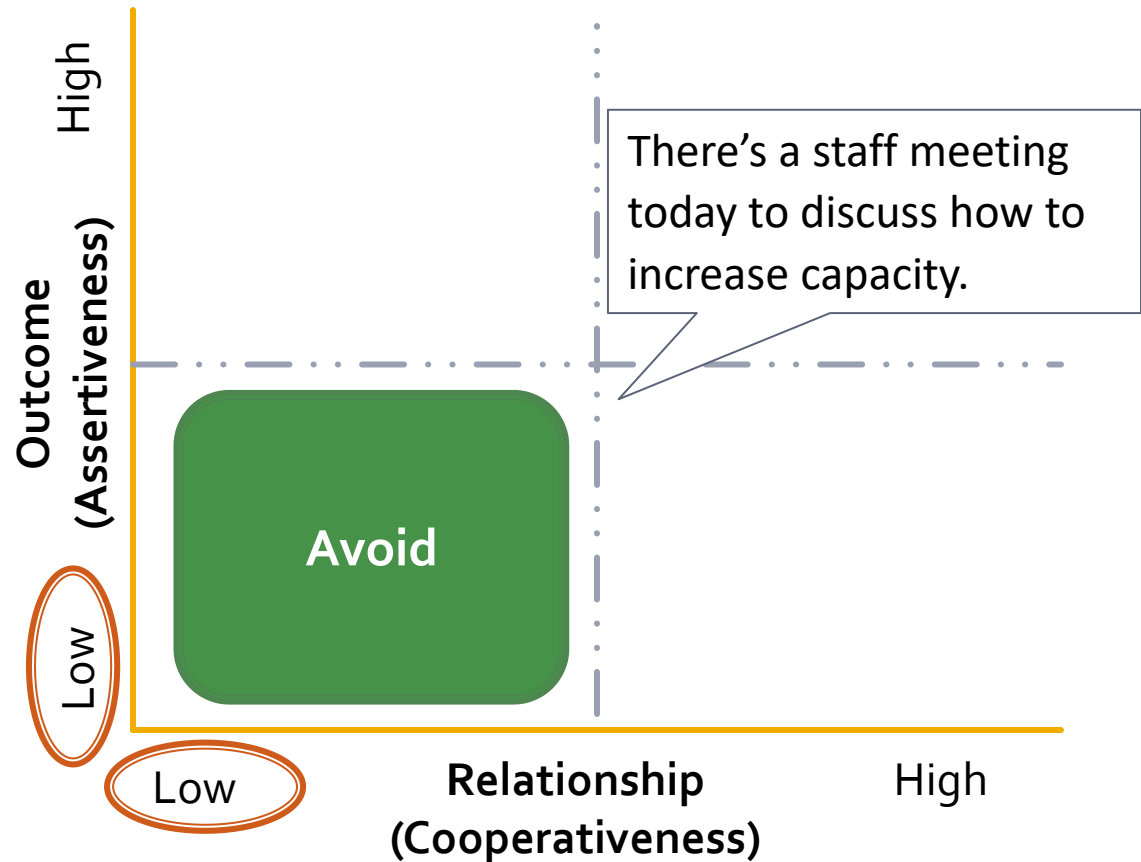


Stakes are Low

4

“Get around” or
delay engaging in
issues of
controversy.

Avoiding
confrontation
when emotions
are high.

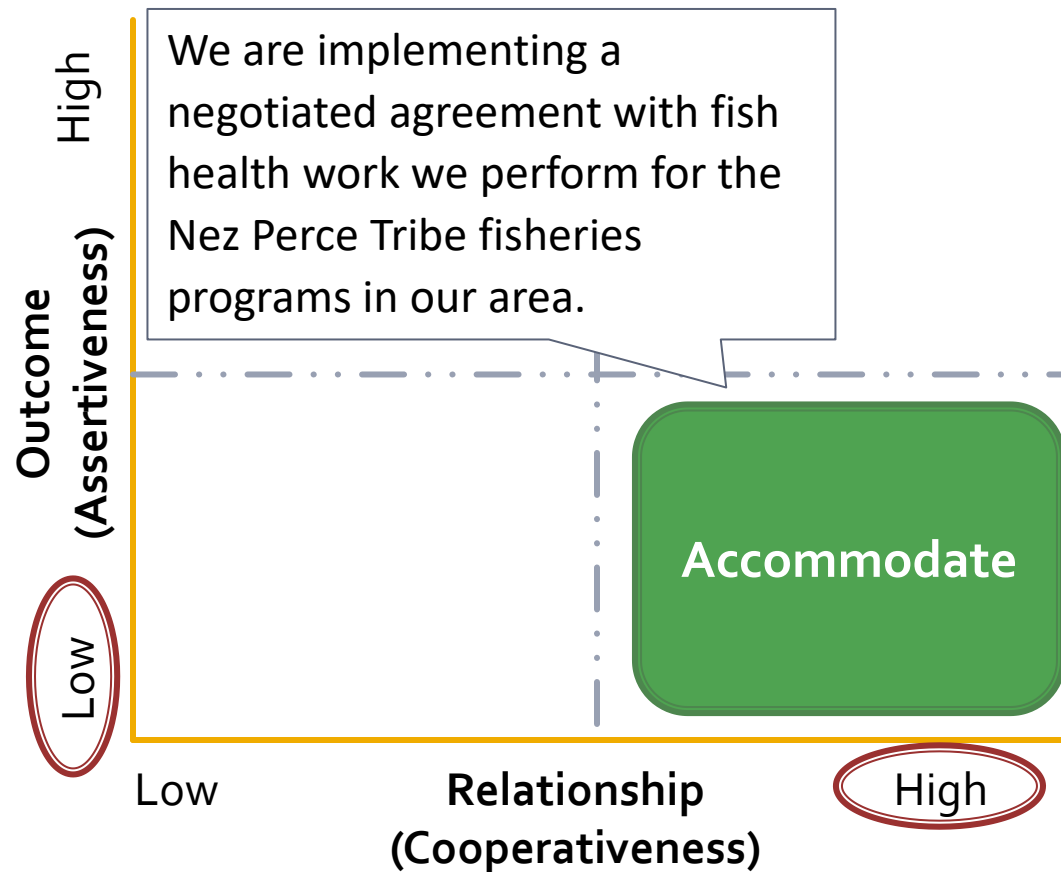


We Can Do That!

5

Going with what other people want.

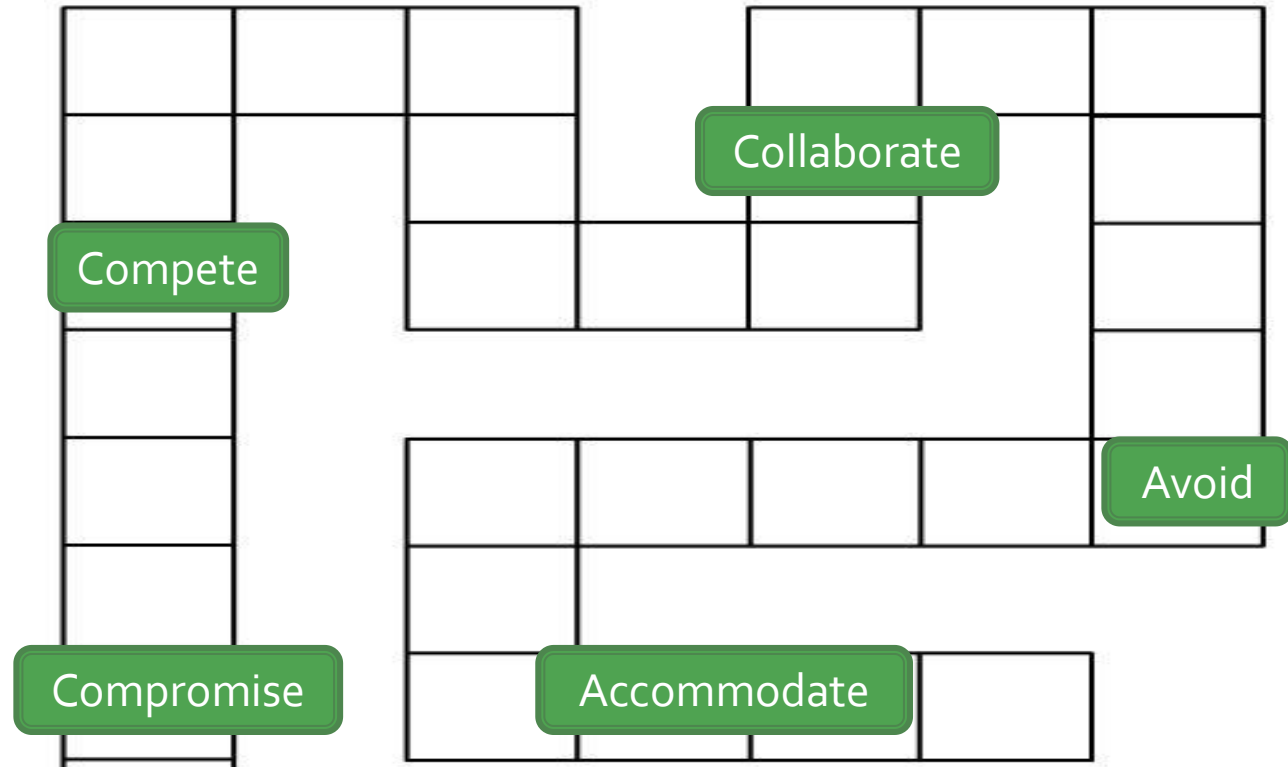
Preserving the relationship more important than a specific outcome.



5 Choices

You have a choice of styles in every situation.

Choose the one that best meets the needs of your situation and the parties involved.



Common Mistakes in Negotiations

- Assuming shared values or goals
- Assuming similar communication styles
- Expecting reciprocity or your version of fair
- Avoiding conflict
- Making the negotiation personal
- Trying to prove how “right” you are by talking
- Selective listening



Interest-based Negotiation



Negotiation is the means by which people discuss and resolve their differences.

4 Key Elements

1. Separate the PEOPLE from the PROBLEM
2. Focus on INTERESTS over POSITIONS
3. Generate a VARIETY of Possibilities before you decide
4. Look for a FAIR SOLUTION

1. Separate the PEOPLE from the PROBLEM

Everyone has their own reality

- Explore perceptions, assumptions, and intentions

Identify the substantive issues

- Manage emotion separately from the content*

Understanding \neq Agreement

- Listen with empathy and emotional intelligence (EQ)



"Soft on the people, hard on the problem"

Bringing our EI to the Table

Emotional Intelligence (EQ) is the ability to:

- Recognize, understand and manage our own emotions *and*;
- Recognize, understand and influence the emotions of others.

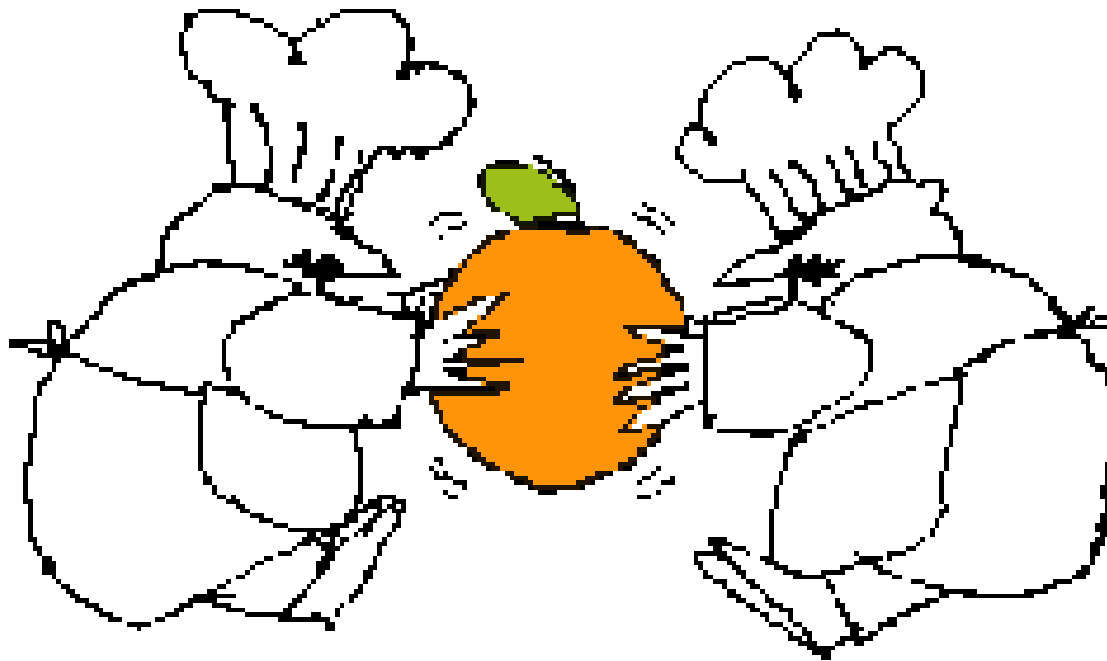


How does emotion show up in negotiations?

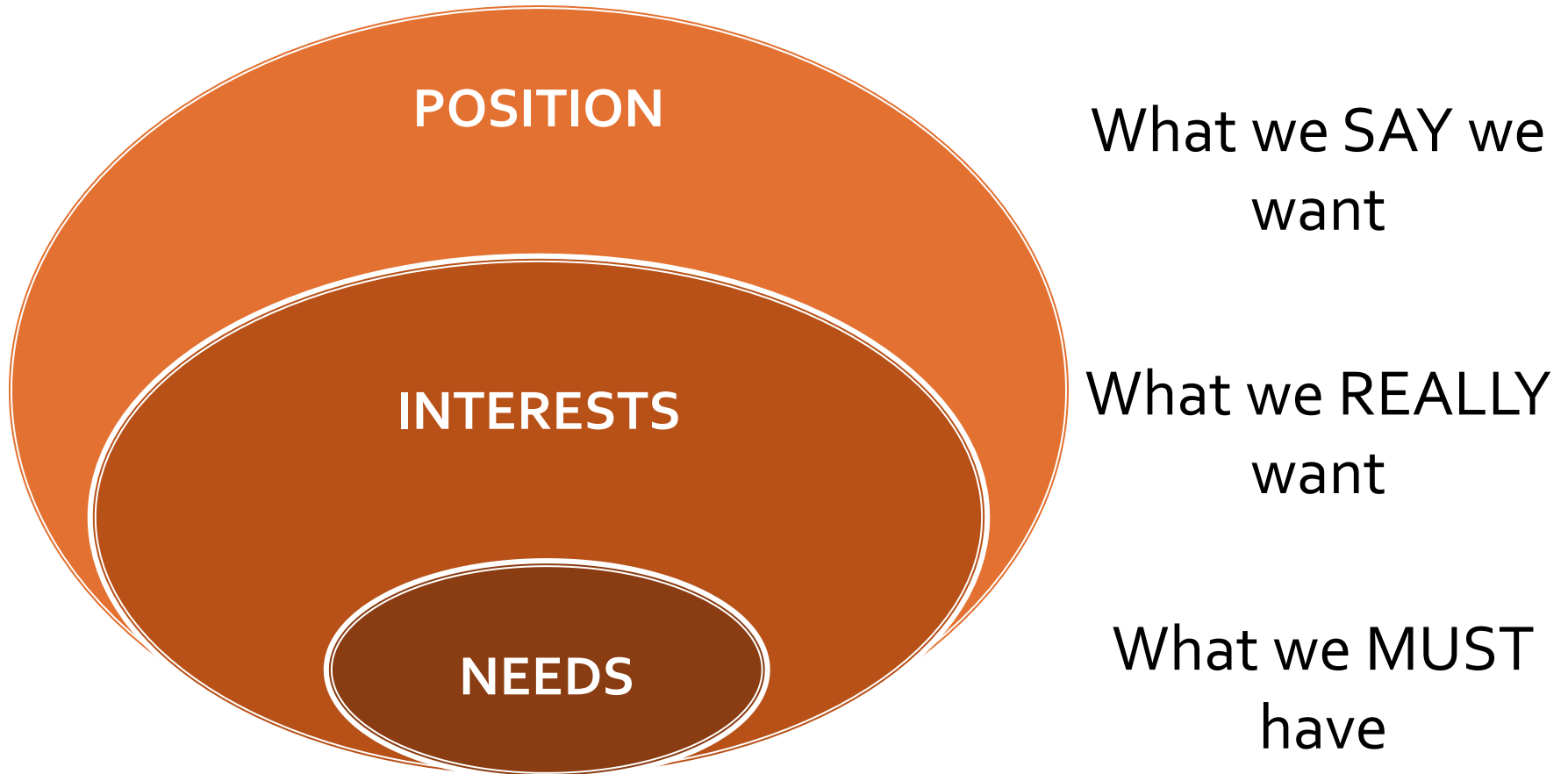
How are we bringing our EQ to negotiations?

2. Focus on INTERESTS over POSITIONS

The Story of the Orange



Peeling Back the Layers



Understanding Needs Builds Trust

Examples shared by MbN alumni on how they are considering needs in negotiation with partners and interested parties

“Working with **Nevada Cattlemen's Association**, state agencies on implementing **sage grouse decision relative to livestock grazing.**”

“Work with a group of **recreational groups** that sometimes have conflicting ideas about best uses of NF lands. **I am not trying to negotiate an "agreement"** but rather help to **facilitate people's understanding, mutual respect, and to recognize the large overlap in common interests.**”

“I am on a team to **build trust with local landowners concerning a peatland restoration project on a refuge.** The landowners are very concerned that the refuge is flooding their farm fields. Over the past several years this has elevated to highly contentious.”

“Supervisor is working with **partners and local county tourism organization** to help communicate **their needs/wants to park management.**”

Breakouts



1. Choose a negotiation example to focus on.
2. For 2 of the parties involved in the negotiation:
 - Explore their Positions – Interests – Needs
 - Are there areas of common interest or agreement?

Report Back



How did that go?

What did you learn or observe?

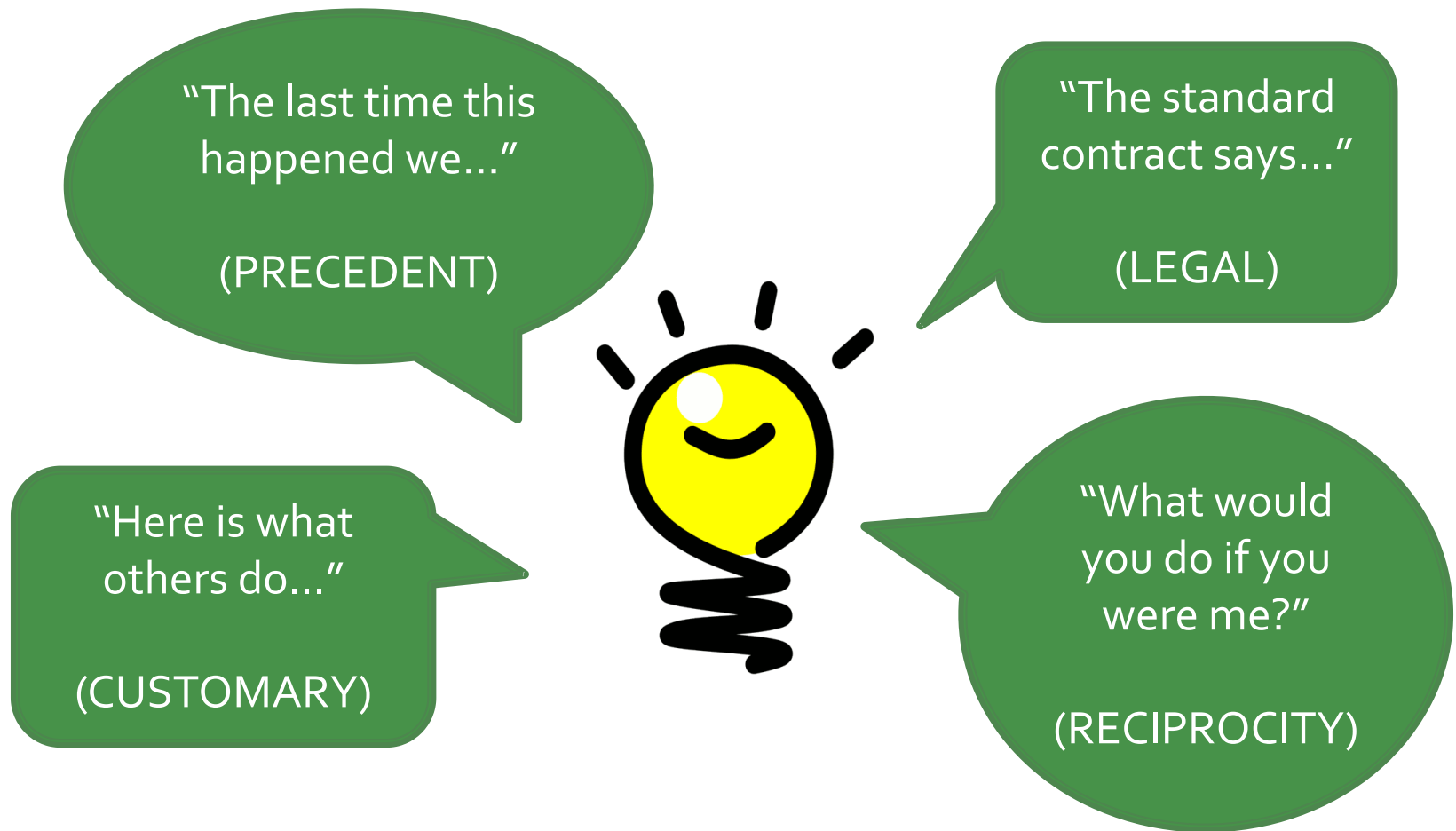
3. Collaborate in Developing Alternatives

- Identify common interests and areas of agreement
- Areas of difference are shared problems requiring shared solutions
- Engage all parties
- Seek mutually satisfactory outcomes.



Fishers and Farmers Network Workshop, from a case study by Heidi Keuler, USFWS

4. Objective Criteria for a Fair Solution



Fair and Shared Solutions

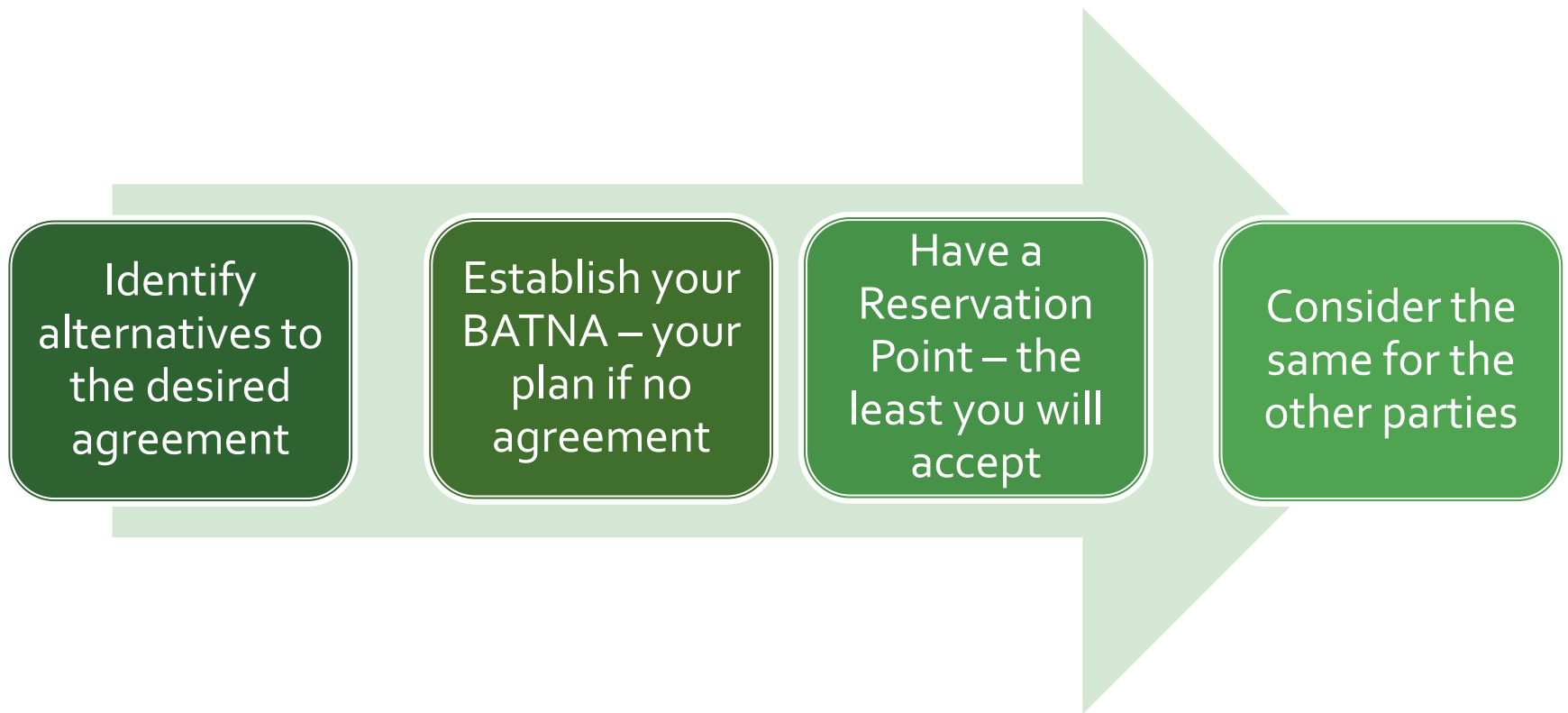
Distributive Justice: What did I receive as an outcome of the decision?

Procedural Justice: How was the decision made?

- Parties treated with dignity and respect
- Trustworthy decision-makers
- No conflict of interest or personal gain
- Participatory

What if it doesn't work out?

“BATNA = Best Alternative to a Negotiated Agreement”



How about the Other Parties?

Ask your
contacts

Meet the
other parties
in advance

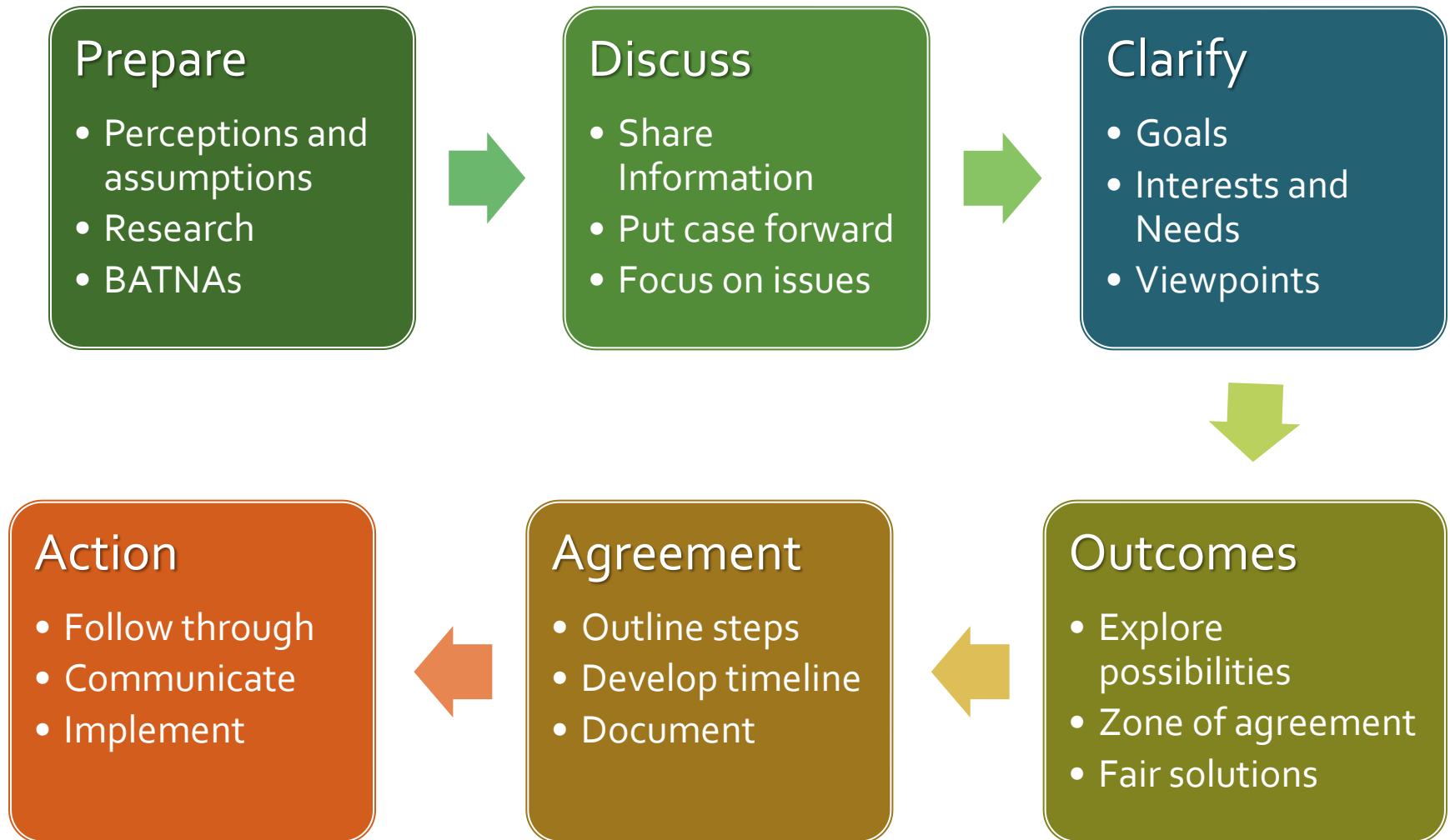
Put yourself in
their shoes

Internet
Research

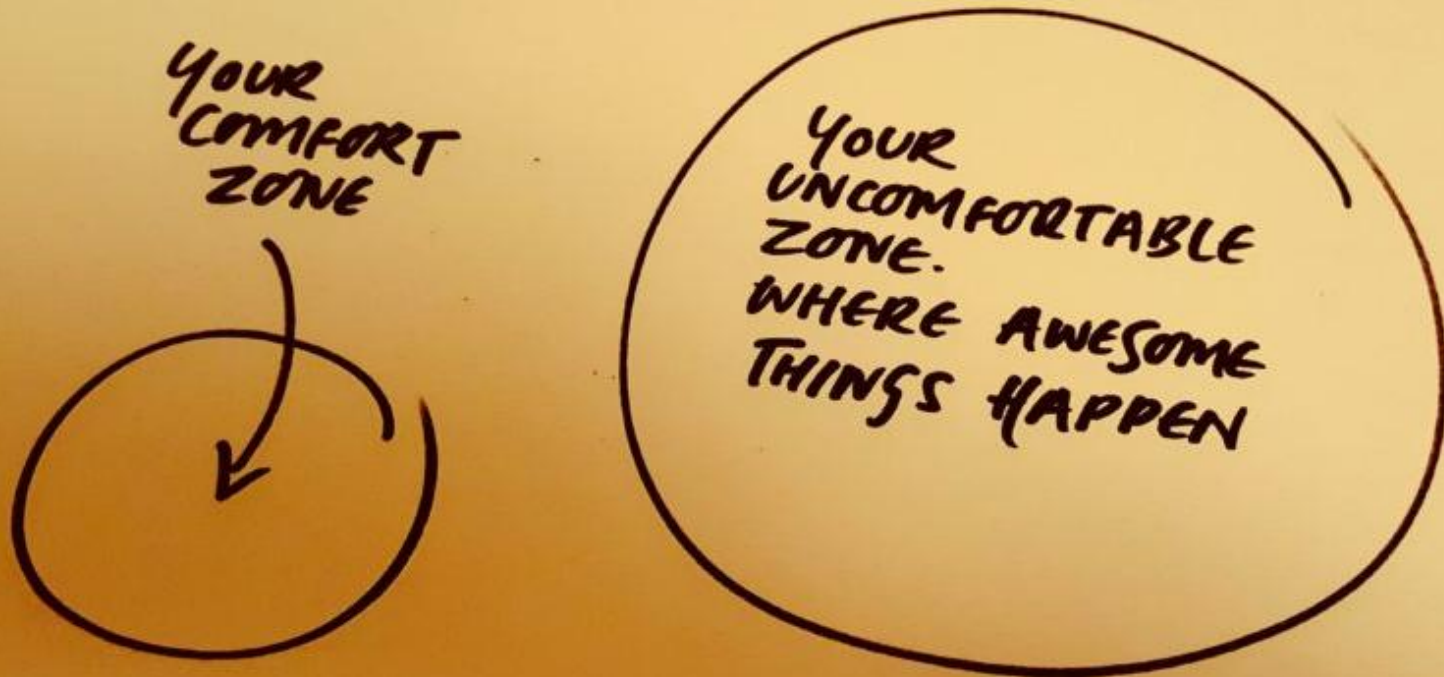
Read industry
publications

Review annual
reports or
public filings

Negotiation Process Summary

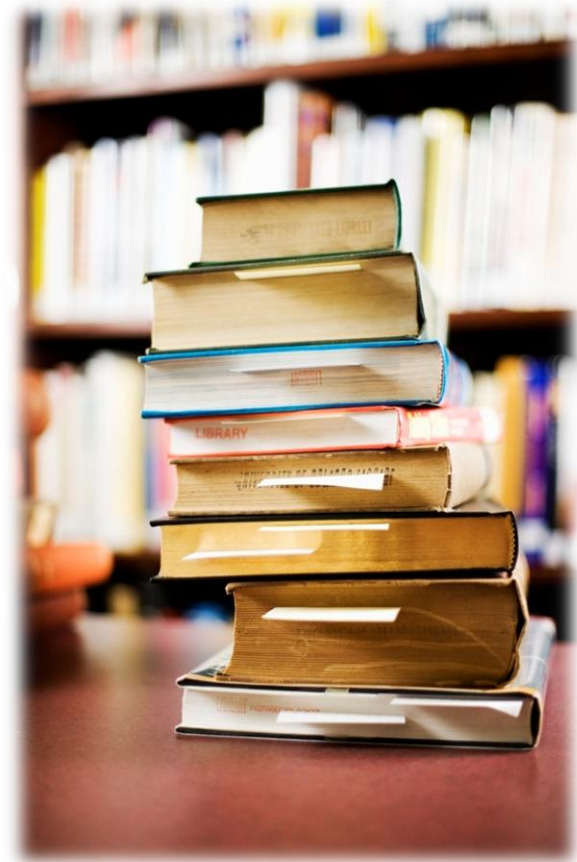


Pause and Reflect



Build Your Skills

- Optional Homework:
Principled Negotiation
Planning Worksheet
- *Interest-based Problem
Solving*, USDA FS
Collaboration Cadre
- *Tips for Sharing Difficult
Decisions*, MIT
- *Principled Negotiation*
video



Comparing Negotiation Strategies

Soft
Participants are friends.
The goal is agreement.
Make concessions to cultivate the relationship.
Be soft on the people and the problem.
Trust others.
Change your positions easily.
Make offers.
Disclose your bottom-line.
Accept one-sided losses to reach agreement.
Search for the single answer: the one they will accept.
Insist on agreement.
Try to avoid a contest of will.
Yield to pressure.

Hard
Participants are adversaries.
The goal is victory.
Demand concessions as a condition of the relationship.
Be hard on the problem and the people.
Distrust others.
Dig in to your position.
Make threats.
Mislead as to your bottom-line.
Demand one-sided gains as the price of agreement.
Search for the single answer: the one you will accept.
Insist on your position.
Try to win a contest of will.
Apply pressure.

Principled
Participants are problem-solvers.
The goal is a wise outcome reached efficiently and amicably.
Separate the people from the problem.
Be soft on the people, hard on the problem.
Proceed independent of trust.
Focus on interests, not positions.
Explore interests.
Avoid having a bottom-line.
Invent options for mutual gain.
Develop multiple options to choose from; decide later.
Insist on using objective criteria.
Try to reach a result based on standards independent of will.
Reason and be open to reason; yield to principle, not pressure.

Reference: Addressing Core Concerns



- Once you answer these questions for yourself, ask yourself how the other side would answer these as well.
- What role did you play in how they might respond?
- What could you do to impact their answers?

Reference:

Common Barriers to Solutions



- Absence of key decision makers or parties to develop shared outcomes
- Differing levels of urgency/timing
- Lack of information or premature judgement
- Assuming a simple or “one right” answer

Reference:

Common Barriers to Solutions

- Lack of trust
- Unrealistic expectations
- Partisan mindset
- Not listening carefully
- Overconfidence, ego
- “Spoilers”: stay in position, unwilling to discuss interests



Reference:

Dealing Effectively with Spoilers



- Identify those with something to lose
- Explore what is at stake
- Emphasize the benefits of exploring possible solutions
- Find them a new way to exercise control or contribute
- Build a coalition

Reference:

MbN Peer Advice

