

INTEREST-BASED NEGOTIATIONS

Christopher M. Hodgson, Esq.
Durant, Nichols, Houston,
Hodgson & Cortese-Costa, P.C.
1057 Broad Street
Bridgeport, CT 06604
(203) 366-3438
chodgson@durantnic.com

What are INTEREST-BASED NEGOTIATIONS?*

a problem-solving process
conducted in a principled way
that creates effective solutions
while improving the relationship

* These materials are taken from the FMCS Guidebook.

The INTEREST-BASED NEGOTIATIONS process is characterized by

❖ supporting principles

❖ steps

❖ techniques

Approaches to negotiations

	Traditional	Interest-Based
starting point	positions	interests
strategy	make gradual adjustments to position	jointly develop the options
solution	defer to the more powerful, or trade	use standards to narrow options; decide by consensus

Strategies guiding negotiations

Traditional

Attack individuals, discredit them to discredit their positions

Present your position and your information supporting it

Insist on your position

Act in your own interest

Use power, pressure to get your desired “solution”

Interest-Based

Attack the problem. Focus on the issue, not on persons or the past

First explore all interests to define the issue clearly

Be open to possibilities, opportunities

Help satisfy all interests

Define a “good” solution mutually, with standards

Outcomes of INTEREST-BASED NEGOTIATIONS

- ❖ creative solutions that benefit the organization as a whole
- ❖ durable solutions that everyone is motivated to uphold
- ❖ an improved relationship between the parties

Principles supporting the INTEREST-BASED NEGOTIATIONS process

Focus on the issue

Explore all interests underlying the issue

Be open to possibilities and opportunities

Satisfy other's interests as well as your own

Use agreed-upon standards to reach the best solution

Stages in INTEREST-BASED NEGOTIATIONS

- A. Prepare for negotiations
- B. Open negotiations
- C. Negotiate using the problem-solving process
- D. Communicate the results to constituents

C. Negotiate using the problem-solving process

1. Select an issue
2. Discuss all interests behind the issue
3. Generate options
4. Establish standards
5. Evaluate each option against the standards
6. Develop the solution & capture it in writing

1. Select an Issue

- ❖ Jointly select an issue
- ❖ State the issue clearly

2. Discuss all interests behind the issue

- ❖ Flipchart interests;
Discuss and clarify interests
- ❖ Identify mutual interests

3. Generate options

- ❖ Use brainstorming
- ❖ Generate options that
 - satisfy one or more interests
 - satisfy others' interests
- ❖ Clarify and ready the options for evaluation

4. Establish standards

- ❖ Propose possible standards – qualities of a solution
- ❖ Clarify the meaning of each proposed standard
- ❖ Reach consensus on standards

Example Standards

simple

efficient

fair

equitable

affordable

flexible

legal

ethical

workable

practical

industry practice

ratifiable

cost

common area practice

5. Evaluate each option against the standards

- ❖ Discuss each option
- ❖ Amend, combine, or develop new options
- ❖ Eliminate options which meet few or no standards

6. Develop the solution and capture it in writing

- ❖ Combine options, or elements of options, that meet the standards
- ❖ Reach consensus on the solution
- ❖ Draft the solution
- ❖ Check for consensus on the written solution

❖ The Importance of Saying “No”