

NEGOTIATION



The integrative vision of conflict resolution gained new momentum with the founding, in 1983, of the PON – Program on Negotiation. Starting as a special research project at Harvard Law School, this program included professors, students, researchers and collaborators from both Harvard University and the Massachusetts Institute of Technology – MIT and Tufts University. Its main purpose is to develop the theory and practice of negotiation and dispute resolution, with a unique role in the world in this area.

How the Principles-Based Negotiation Method is born Also known as the Harvard Negotiation Method, its proposal was first presented in the classic work *How to Get to Yes*, in 1981. The method organized by the authors aims to provide more effective answers than the approach that it favors the so-called positional bargaining, where each side takes a certain position and tries to convince the other to give in, in a game of concessions to try to reach a middle ground.

Have you ever stopped to think about whether the method you use to negotiate is effective? What criteria do you use to evaluate your choice? According to the authors, we can judge a negotiation method using three criteria (Fisher, Ury and Patton, 1981):

1. It must produce a sensible agreement – which serves the legitimate interests of each party, as far as possible;
2. It must be efficient – impartially resolves conflicting interests;

3. It must improve or, at least, not harm the relationship between parties – is lasting and takes into account the interests of the community.

Discussing positions distracts us from generating sensible agreements – by focusing discussion on positions, we increase the likelihood of locking ourselves into them. This occurs because we are busy convincing the other side of the importance of what we are proposing and also because we see ourselves as obliged to defend our positions. In this movement, each side progressively compromises with its own position, making it increasingly difficult to give up what it is defending. We begin to confuse our positions with our own identities, shifting focus away from our real interests and the underlying interests of the other side. The result is agreements that have very low levels of satisfaction, since they were drawn up based on very superficial information about the needs of each side. The predominant feeling is that the agreement reached could have been better worked to make sense for both sides.

Discussing positions proves to be inefficient – when two or more parties engage in a dynamic of trying to convince the other that their position is the best, the time and resources spent on building an agreement are increased. In other words, focusing on defending positions is more time-consuming and more costly, therefore less efficient. The cost/benefit of pressuring others with threats, distorted information, abandoning negotiations, creating difficulties, pay-per-view and many other tactics is low. The greater the pressure for the other side to give in, the greater the reaction on the other side to defend itself and also put pressure on.

Discussing positions puts the existing relationship between the parties at risk – negotiating based on positions often leads to attempts to impose the will of one side on the other. Imposing a will has a cost that is normally charged to the relationship between the parties. The energy expended to make the other side change position has a side effect on the relationship. Negotiating with a focus on positions inevitably produces an environment of tension. The feeling that one side will not have its interests and needs satisfied generates frustration and resentment, acting as elements that corrode the bonds that keep a relationship secure. This way, customers stop buying or using the services of a particular company, partners

commercial companies interrupt their transactions, partners decide to end their joint ventures. Instead of acting as an incentive to try to resolve a problem together, reinforcing the relationship between the parties, position-based negotiation forces negotiators into a contest of wills.

The answer to this harsher positional approach seems to be doing the opposite, that is, instead of negotiating by strongly defending our positions and putting the relationship at risk, we should adopt a softer stance and preserve, at all costs, the relationship. In this way, we would meet the third criterion proposed by the authors to evaluate the effectiveness of a negotiation method.

Even though the negotiators have identified the main interests and needs and generated different options based on them, the moment to choose the best solution can put all the effort made so far in vain.

When the parties do not choose to use objective criteria, decision-making becomes a power struggle and the objective of reaching a sensible agreement is lost sight of. Negotiators fall back into the trap of imposing their own positions and ignore the interdependent nature of negotiations.

Joint decision-making is hampered, missing the opportunity to reach a solution that satisfies both sides. This principle can save many negotiations. It has the power to eliminate the feeling that a certain decision was unfair. When we are placed in the situation of deciding, our values and beliefs regarding what is right and what is wrong and what is fair and what is unfair are triggered. The same goes for the negotiator on the other side of the table.