

## Negotiation techniques

### **Appropriate and successful negotiating in accordance with the Harvard Concept**



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### Negotiating – an integral component of our lives

«Besides sex, negotiating is the most frequent and the most difficult interaction between two people, and the two activities are related», the famous American economist John Kenneth Galbraith once remarked smugly.

Indeed, we find ourselves in a variety of different negotiation situations every day, both in our private and in our professional lives. Whether it is a discussion at home about the destination of the next family holiday or your negotiations with health insurance representatives and funding agencies concerning the new budget for your hospital or department. Whether you are in charge of the clinic's purchasing, striving for your boss to promote you, wish to swap weekend shifts with a colleague or encourage a patient to do something about his excessive weight – your negotiation skills are required everywhere and at all times.

How well you manage to assert your own interests without losing sight of those of your negotiation partner – in pursuit of a fair equilibrium – has a major impact on your happiness in life as well as your professional success. Consequently, it is worth your while being even more deliberate and target-oriented in relation to future negotiations than in the past, while at the same time developing a better understanding of the positions of your counterpart.

The following pages will provide you with a brief insight into the classical guideline in relation to negotiation management: the Harvard Concept of principled negotiating. The Harvard Concept owes its name to the fact that it was developed by a research team at the University of Harvard approximately 25 years ago. Since then, its effectiveness even in the case of major conflicts has been proven time and time again. Among other things, one of the project developers, Prof. Roger Fisher, successfully acted as a peace mediator in El Salvador and accompanied the end of the Apartheid regime and the peaceful transfer of power in South Africa as a consultant.

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### The third option: Determined in relation to the facts, yet gentle with the negotiation partner

Human beings find themselves in a dilemma. Most of them are only aware of two types of negotiation – either «hard» or «soft». The «soft negotiator» strives to avoid personal conflicts and therefore tends to concede in order to reach a peaceful agreement. However, this frequently results in the nasty feeling of being taken advantage of. The «hard negotiator», on the other hand, considers every situation a battle of the wills which is likely to be won by the more persistent party taking on the more extreme position. He wants to win. Unfortunately, this often leads to him getting an equally harsh response, his resources running out and the deterioration of the relations with the other party.

There is a third negotiation strategy, which can neither be described as hard nor as soft, but rather as hard and soft. This technique of «principled negotiating» involves resolving conflicts according to their relevance and factual contents rather than in a haggling process. In this case it is necessary to focus on mutual benefits and, if conflicting interests arise, insist on finding a solution based on fair principles which are independent of the intentions of each of the parties.

**This requires four prerequisites. They are the basic principles of successful negotiating according to the Harvard Concept:**

1. The parties involved must separate the people from the problem.
2. Focus on interests, not positions.
3. Develop alternatives by yourself and in cooperation with your negotiation partners which are beneficial to both sides.
4. All the people involved need to agree on objective criteria which can be used to evaluate the outcome of the negotiation.

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### 1. Separating the people from the problem

Whether you are taking part in budget negotiations, discussing prices and purchase quantities with a supplier or the conditions of employment in your ward with your assistant doctors – you are not dealing with abstract representatives, but with human beings. Humans who are motivated by emotions and values, who have conflicting points of view and who are not necessarily predictable. By the way, this applies to you just like it does to all others.

This human aspect may be helpful when negotiating, but it can also be troublesome. A close personal relationship, trust and respect cause us to give in more quickly. Anger, fear and frustration stand in the way of a positive outcome.

Therefore, it is recommendable not to let personal relationships interfere with factual debates when negotiating. In order to achieve this aim, you first need to understand your counterpart as a human being. Only this will enable you to prevent different ideas, emotions or misunderstandings from standing in the way of a good, appropriate negotiation outcome – if the ideas are not precise, try to specify them. If emotions boil over, find ways of lowering the level of agitation. In the case of misunderstandings, improve the communication.

**Adhering to the twelve rules listed below will help you to unburden negotiations of «personal conflicts»:**

1. Put yourself in the place of your counterpart. Attempt to understand the way he thinks and his point of view.
2. Talk about the ideas and expectations of both parties.
3. Do not hold your counterpart responsible for your own problems.
4. Make sure the other party is involved in the decision and actively participates in the negotiation process.
5. Adapt your suggestions to the value system of your negotiation partner. Make it possible for him to «save face».
6. Articulate your emotions and acknowledge that they are justified.
7. Allow the other party to let off steam. However, avoid reacting to emotional outbursts.
8. Use symbolic gestures (e.g. shaking hands, a little gift, an apology).
9. Listen attentively and provide feedback on what has been said.
10. Speak in a comprehensible manner.
11. Talk about yourself, not about the other party.
12. Establish active relationships. Get to know the other person.

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### 2. Focus on interests, not positions

In order to achieve satisfactory results you need to look beyond the words your counterpart has chosen to describe his point of view. Try to recognise his interests – what are the real motives behind his position?

Imagine, for example, the following unfortunate situation: your terminally ill patient asks you to help him die. Obviously, there is no way you can grant him his wish – a seemingly unsolvable conflict. If, however, you realise that his position «I want to die» actually implies a completely different longing, namely «I want to be freed of my pain», then you certainly are able to help him by providing him with palliative medical treatment.

The most effective way of looking beyond the position and finding out the interests – including your own – is by asking the question «Why?». Why does my 80-year-old patient not want to undergo complex surgery? And why would I like her to do so?

Talking about interests generally helps you to quickly conclude your negotiations by finding a solution to the problem. So are your interests clearly defined? Your negotiation partner can only take them into account if he is aware of them. At the same time, you should acknowledge the interests of your counterpart as being part of the problem.

**Important:** Make sure you look ahead rather than back. After all, there are two dimensions to the question «Why» – one lies in the past and looks for a cause or the reason, on the assumption that our behaviour is determined by past experience. The other one looks for targets in the future, assuming that our behaviour is a result of our free will. The answers to the latter «Why», the future and target oriented interests are the ones worth negotiating.

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### 3. Invent options for mutual gain.

All too often, negotiation partners find themselves in the same situation as the two proverbial sisters fighting about an orange. After they finally agreed to cut the fruit in half, the first one took her share, ate the pulp and threw away the skin, while the other sister threw away the pulp and used the skin because she wanted to bake a cake. To cut a long story short: Too many negotiations end in an agreement – if any – which could have been more beneficial for all those concerned.

The reason for this is that most people believe they already know the right answer at the early stage of a conflict and are subsequently determined for their point of view to keep the upper hand. In the case of contract negotiations, for example, everyone believes that their offer is reasonable and should be accepted, possibly with a minor modification. Any feasible answers appear to be arranged along a straight line between one's own position and that of the opposing party. Unfortunately, this premature judgement frequently gets in the way of a creative resolution process with a potentially more beneficial result for both sides.

#### **Those wishing to develop creative options need to:**

1. Separate the process of finding options from the evaluation of same options.
2. Strive to find a large number of options rather than looking for the «one» solution.
3. Look out for benefits for all sides.
4. Develop proposals which will make the decision easier for the other party.

This means that, similarly to the brainstorming procedure, the initial stage involves the open minded development of as many conceivable options as possible. After all, cutting the orange in half is not the only option. Alternatively, you could peel it, press out the juice or even plant it so that an entire orange tree will grow from it. In the end, you will only find the best negotiation solution if all the options are laid out on the table.

Another inhibition threshold when it comes to solving problems in a creative manner lies in the assumption that the «cake» is limited. Imagine you would like to purchase a certain quantity of dressing material from a supplier. In this case, the scope for price negotiations is naturally limited on the part of the seller. If, however, you join up with buyers from other hospitals and surgeries, you can purchase a much larger quantity and consequently negotiate a significantly cheaper price for all those concerned. Even the seller benefits, since his sales volume is a lot higher and he has acquired new customers.

As your success in negotiations depends on your counterpart making decisions which are beneficial to you, you should do everything to make these decisions easier. Try to confront your negotiation partner with a choice that is as effortless for him as possible. Alternatively, look for a «precedent», i.e. a decision that the other party made in a similar situation in the past, and use this as a basis for your proposed agreement.

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### 4. Use objective criteria

Let us assume the director of your hospital intends to reduce the budget allocated to your department by 10%. Your objection, of course, is that this would jeopardise the quality of the medical treatment provided by your department and the entire facility. A decision merely based on willpower could be expensive under these circumstances. If your director gets his way, the patients might indeed end up being the victims. If you get your way, the chance of implementing more efficient work processes and necessary cost savings might be lost.

Principled negotiating, on the other hand, can produce a sound agreement in an amicable and effective manner. The precondition for this is agreeing on objective criteria. This could, for example, involve a comparison with similar departments at other institutions, or the expert opinion of an independent medical controller.

**Once you have identified objective criteria and procedures, all you really need to do is follow three basic principles in the course of the negotiation:**

1. Convert every dispute into a joint search for objective criteria.
2. Produce sound arguments – and be open towards arguments which are based on reasonable criteria and which stipulate how they are to be implemented.
3. Never give in to any kind of pressure, only accept (sensible) principles.

### Further reading

- 1) Roger Fisher, William Ury, Bruce Patton:  
Getting to Yes – Negotiating Agreement Without Giving In; Penguin Books 1991, ISBN 0140157352
- 2) Roger Fisher et al:  
Beyond Machiavelli – Tools For Coping With Conflict; Penguin Books 1996; ISBN 0140245227