



Building the Arena for a Durable Agreement

Tom Fiutak

October 2, 2014



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Learning Objectives

- Define the process and functions of a negotiation.
- Differentiate ‘interest’ and ‘relationship’ among negotiating parties.
- Identify the five basic strategies available to the negotiator.
- Learn how the Circle Model of Negotiation integrates the concept of an ‘authentic arena’.
- Compare the attributes of assisted and unassisted negotiations.
- Assess and critique observable negotiation.
- Differentiate among the substantive, procedural and psychological interests at play in a negotiation.
- Describe the functions of the convener/coach.

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Golden Rule for Negotiators

- **It's easier to talk than to listen;**
- **It's easier to listen than to think;**
- **It's easier to think than it is to do;**
- **It's easier to do than to share.**

Negotiation Defined

- When two or more Individuals – Groups - Organizations – Systems (IGOS) communicate by the
- Display
- Assessment
- Discovery
- Creation
- Exchange

of their perceived mutual interests



Why Negotiate?

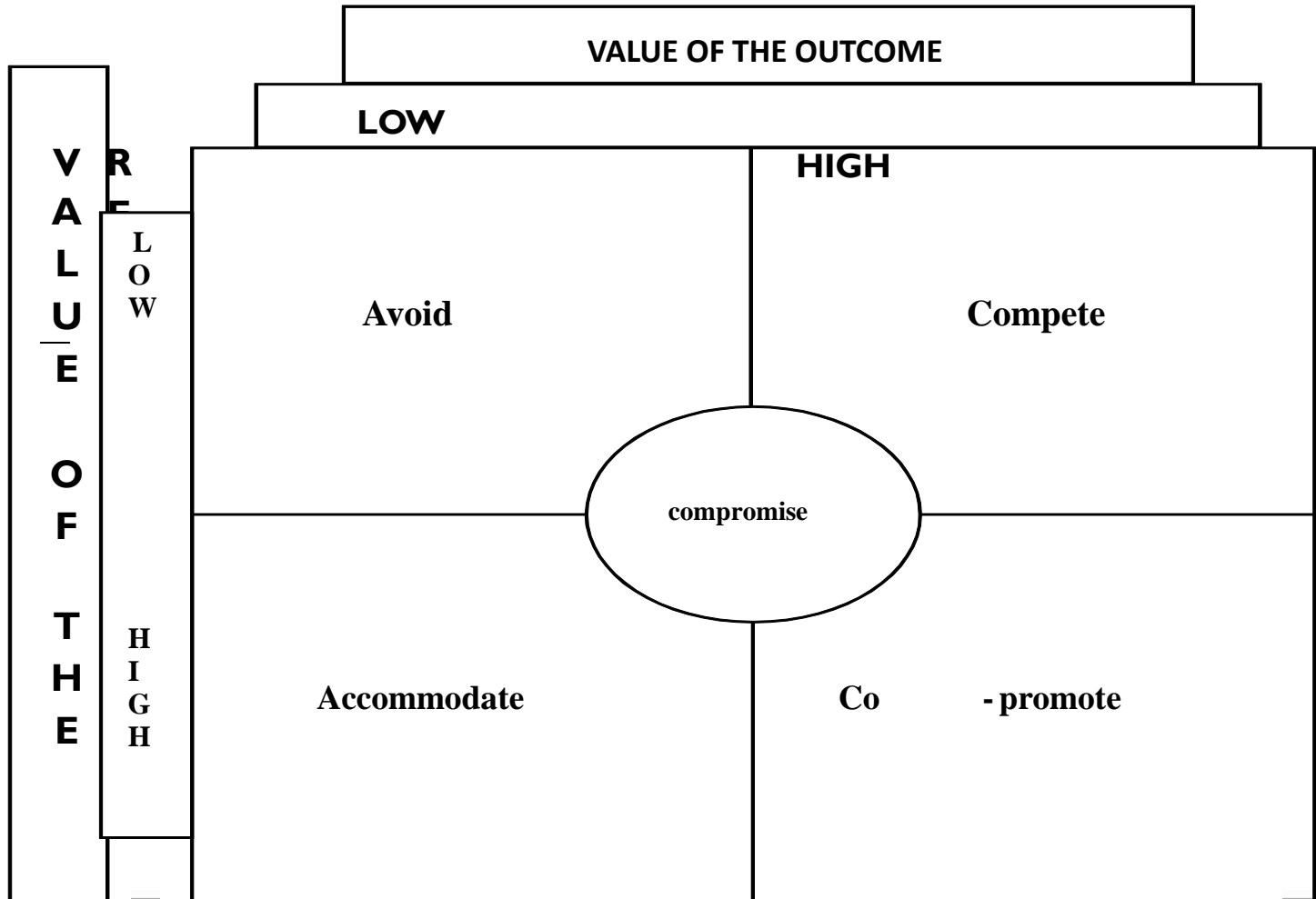
We can't get what we want or need, on our own;

We value both the **OUTCOME**
and the **RELATIONSHIP**

Learning Objective

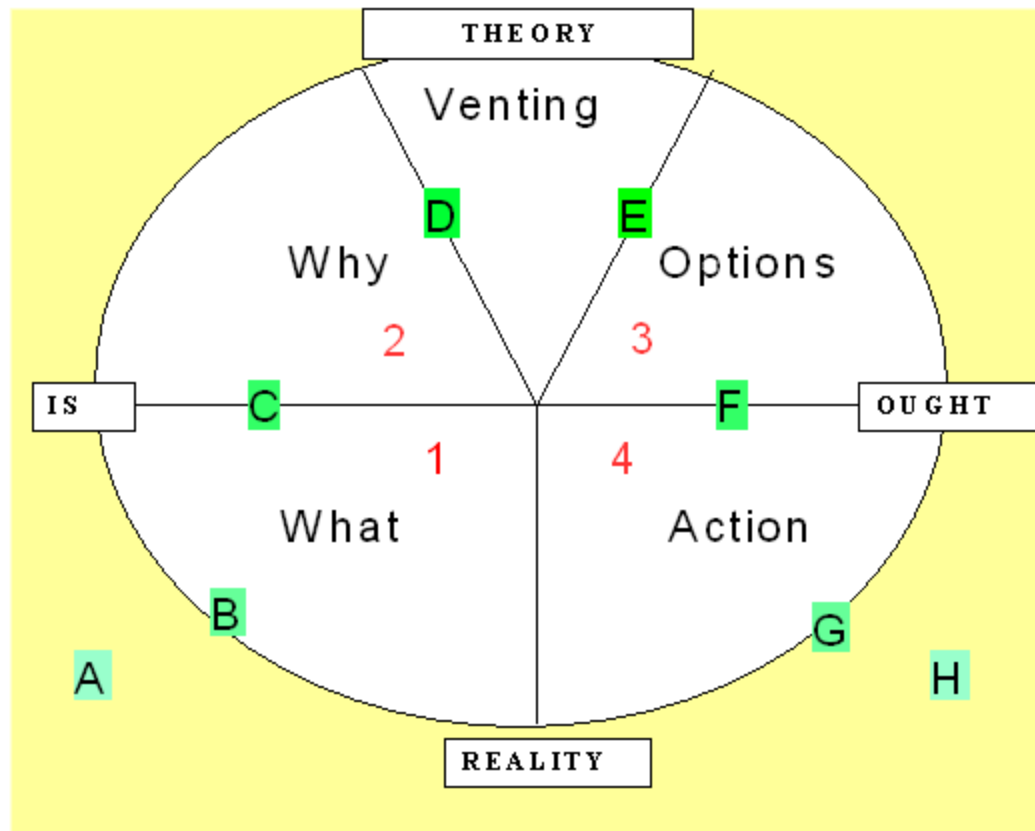
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A Representation of Conflict Strategies



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Phases of the Circle Model of Negotiation

- Phase I: Determine the current reality of the parties involved.
- Key question is: What is the reality the parties choose to bring into the negotiation?



Phases of the Circle Model of Negotiation

- Phase 2: Probe for the motivation behind the interests.
- Key question is: Why are these interests of value and what assumptions lie beneath them?



Phases of the Circle Model of Negotiation

- The Venting Wedge
- Difference between negative/positive emotional content



Phases of the Circle Model of Negotiation

- Phase 3: Explore options for mutual gain.
- Key question: What options ought to be considered if a range of possible agreements exists? What If?



Phases of the Circle Model of Negotiation

- Phase 4: Draw up an action plan.
- Key question: What is the action plan to create a new reality? Who will do what, when, and how will you measure the behavior of the parties to the agreement?

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Assisted and Unassisted Negotiations

Unassisted: You manage your **OUTCOMES** and your **PROCESS**

Assisted: You allow a neutral 3rd party to determine your **OUTCOME** or **PROCESS** or both.



Negotiation Observation Form

- A critical skill of the convener/negotiator is the ability to identify and evaluate the behaviors of the parties to the negotiation.
- Refer to the **Negotiation Observation Form**

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The Bali Table



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Success Factors

- Substantive: did the exchange leave you with what you wanted or needed?
- Procedural: did you feel that the process did not put you at a disadvantage?
- Psychological: did the negotiation threaten your security – social status – self esteem?

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The Role of the ADB Party

The bridge from invitation to facilitating

The Convener/Coach

The guide to a durable agreement



The Bridge from Invitation to Facilitating

- Inviting parties to a negotiation in culturally authentic manner
- Who sent the invitations?
- Recognizing who was not invited and why
- Do the parties know who was invited and who will attend?



Invitation to Facilitation....

- How was the time and place of the negotiation decided?
- Has the negotiation been convened in a neutral space?
- If not, are there ways to reflect a level of neutrality?
- Are there tables, and if so how will they be arranged?
- Do all parties have equal access to speak?
- What is the role of surrogates, agents, and lawyers?



From Convening to the Facilitation

- What behaviors, among the parties, do you need to encourage to create an atmosphere of fairness?

How to move the discussion through the phases of the Circle Model of Negotiation.



Convening to Facilitation...

- What are the substantive, procedural and psychological interests of the parties that will increase the durability of the reform measure being addressed?
- How will the parties know the negotiation is over and has there been adequate opportunity for all parties to express their interests?
- Who will do what and how will you measure the behavior or those responsible for the reform?



Wrap-up



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