



Don't Give In.  
Don't Get Even.  
Negotiate!

by Marianne Fleischer

If you think you've got challenges, meet a negotiator that the White House and the United Nations send to hotbeds like Moscow and Sarajevo. He flies routine missions to reason with folks who—shall we say—can't seem to kiss and make up just yet.

On any given Tuesday, you may be trying to avoid a fight. On that same Tuesday, he may be trying to avoid a world war. Dr. William Ury is former associate director of Harvard's Avoiding Nuclear War Project, now with Harvard's Program on Negotiation, which he co-founded.

Nine hundred Pacific Bell managers got the chance to work with this world class negotiator. Telesis Management Institute (TMI) brought William Ury's courses to Pacific Bell as part of TMI's continuing leadership training. Several managers reported that the best-selling author of *Getting to Yes* and *Getting Past No* delivered a wealth of war stories and wisdom they could apply immediately on the job.

Ury, also an anthropologist who has walked among the bush tribes of the Kalahari as well as the phone tribes of San Ramon, spoke to the heart of some of Pacific Bell's cultural changes. Here are his tips for moving from confrontation to cooperation.

### The Mother of All Management Skills

Think about how much of your day is spent in negotiation. At Ury's recent TMI courses, "Getting to Yes" and "Getting Past No," managers estimated that 75 percent of their time was spent trying to work out agreements with their customers, suppliers, unions, strategic partners, staff, bosses and families.

In today's mercurial business climate, the competitive edge lies in cooperation. Your competitor may now be your customer. Your former subordinate may be your new strategic partner. Your competitor may be your supplier, your partner *and* your customer.

So if cooperation is so critical now, and we spend most of our time trying to reach agreement, how come we aren't in the Negotiators Hall of Fame?



Too often, says Ury, we focus on the outcome, not the process: Will my budget be cut? Will everyone accept my new idea? I'm going to fix that jerk in the next cubicle when this is all over.

Ury believes that most people strongly believe that bargaining over positions is the only game in town: I want X. You want Y. If you win, I lose. Ury says there's a better game.

This better game is better suited to flatter organizational structures. In new social architectures, decision-making is shifting from top-down orders to cross-functional decision teams. In downsized environments, more people have to make decisions instead of seeking direction from higher up. They may have to get "buy-in" for their ideas from customers, bosses, peers, partners and staff.

"Ten years ago you could hardly find a course in negotiation at any business or law school—not even Harvard Business School," Ury says. "Now you can't find a school or big corporation that does not offer courses in negotiation."

The cornerstone of Ury's two books and courses is the warning against bargaining from positions. Ury advises to resist the urge to dig in and dribble out as few concessions as possible.

He recommends a high-road method, developed at Harvard's Negotiation Project, called principled negotiation. It's a framework for resolving differences through objective merit, maximizing mutual gain and fair standards.

Sound too Sunday School? Ury, and his many satisfied customers from AT&T, the Pentagon, American Express and Pacific Bell, say no. This stuff works.

Principled negotiation enables you to be fair while giving you strong tools to protect yourself. It works with parties of uneven rank. It gives richer ways to expand the pie. And, unlike most contests, the more the other side knows about this method, the more everyone wins.

One of Pacific Bell's Labor Relations negotiators, Robin MacGillivray, who also took Ury's full course at Harvard says, "I'm a complete advocate of Ury's empowering training. Effective negotiation skills may well be the mother of all management skills. Actually, these clear strategies can be used so pervasively, they are more like the mother of all life skills. It even works with my 5-year-old."

To the manager who takes great pride in winging it, Ury cautions, "Most negotiations are won or lost before the talking begins, depending on the quality of the preparation. Negotiation, like a good voyage, needs a map."

Here are Ury's five key fueling stops on your way to a mutually satisfactory agreement.



## Getting to Yes

### 1. Separate the People from the Problem

Emotions may be messy, but if ignored, they become saboteurs. We humans get angry, defensive and fearful and frequently confuse our way with the only way. Ury implores us to separate the relationship from the substance.

"Understanding the other side's thinking is not simply a useful activity that will help you solve your problem. Their thinking *is* the problem," says Ury.

"You have to understand empathically the emotional force of their point of view." Acknowledge feelings as legitimate, but keep separating them from your quest to find mutual interests.

The other side is expecting you to act like an adversary. Instead, disarm them with surprise. Invite their criticism to help you understand the big picture as they see it.

You invite people problems if you come in with the whole thing worked out for the other side to react to. Instead, give them a stake in the outcome by asking them to participate in the drafting process.

### 2. Focus on Interests, Not Positions

She wants the window open. He wants it shut. But isn't their joint interest to be comfortable? If they open the window in the next room, she gets a breeze. He avoids the windy draft. That's interest-based negotiation.

The trick is to "locate the desires, needs, fears—the silent movers behind the hubbub of people's stated positions," says the author.

Van Johnson, a manager in Market Services who took Ury's class, says, "I felt that I was a reasonably good negotiator before the course, but I realize now that I spent far too much time arguing against the other side's position.

"Instead, it's more powerful to find out what really concerns the other side, as well as to give them a way to sell your joint agreement to *their* constituents. As Ury states it, 'The negotiation is only the middle of the process.' The execution of an agreement will greatly depend on how joint interests were handled."

Robin MacGillivray says, "The trouble with many managers is that they think it is their job to solve *all* the problems. They don't trust easily. It's that old control issue. But in my experience, *anyone* affected by a problem wants a voice, wants to work on the next step. Bringing forward the problem together, building in goodwill at the agreement stage—that's what leads to commitment."

Looking for shared interests isn't our first instinct in a negotiation. Yet Ury believes it can be one of our most powerful assets.

### 3. Invent Options for Mutual Gain

Common wisdom says that by the time you are at the negotiation stage, you should narrow focus, not come up with more things to decide. But generating options—free of judgment—can unearth gems.

Augie Cruciotti, regional manager-Los Angeles Metro Assignment Installation and Maintenance, who took Ury's course, says, "When you come in with alternatives, and you work out beforehand what you want and what you can live with, the other side sees you're trying to reach a solution that can benefit both sides. Considering options shows you aren't just arguing from a selfish position."

A smart way to invent options is to separate possible *types* of agreements. Look for items that are low-cost to you and high-benefit to



them and vice versa: substantive vs. procedural issues; cost vs. politics; internal vs. external audiences; solving now vs. solving later.

#### 4. *Insist on Objective Criteria*

Ury realizes that no grand talk of sensitivity to people issues or devising win-win strategies can silence the harsh roar of competing interests.

Handle truly competing interests—not just positions—by pitting the dispute against objective criteria. Frame each issue as a joint search for meeting objective standards.

Before you begin, agree on standards of fairness, such as efficiency, reciprocity, law, market value, precedent, technical merits, third party opinion, ethics, or costs.

Finding an independent "Blue Book value" adds legitimacy and impartiality to the negotiation.

As a thinker, as a motivator, Ury gets high marks. "Some of these international consultants and professors from Harvard and other auspicious places can be somewhat aloof, but Bill Ury was very respectful of his corporate audience," says Labor Relations' MacGillivray.

## RESOURCES

For more information on Telesis Management Institute classes, "Getting to Yes" and "Getting Past No," call (800) 794-2527, ext. 122.

### Suggested Reading

*Getting To Yes: Negotiating Agreement Without Giving In*, Roger Fisher, William Ury and Bruce Patton, Houghton-Mifflin, 1981; Penguin, 1983 (also available on videotape).

*Getting Past No: Negotiating With Difficult People*, William Ury, Bantam, 1995 (also on audiotape).

*Getting Disputes Resolved: Designing Systems to Cut the Costs of Conflict*, William Ury, Jeanne Brett and Stephen Goldberg, Jossey-Bass, 1988.

*The Power to Persuade*, Richard N. Haass, Houghton-Mifflin, 1994.

TMI said they chose Ury because his subject was so relevant to the company's transformation goals. "He's a very powerful thinker and practitioner in the field of win/win negotiations," says TMI's Pam Price. TMI has brought in other international heavyweights, such as Stephen Covey or Tom Peters. "Ury is of equal stature but with a more accessible, less evangelistic style," Price says.

Ury says his thinking has evolved in response to the types of questions people were asking him: What if I want to cooperate, but others won't play or won't play fair? In other words, "How do you get someone to dance who is kicking you?"

In "Yes, But ...," the 1994 addendum to his book, *Getting To Yes*, Ury answers his most frequently asked questions.

### What If They're More Powerful?

Robin MacGillivray responds, "When people have more power than I do, I ask them, what would they do if they were in my shoes? I try to illustrate how my problem will get worse and spill over into their problem if we do nothing. I help them identify our common interests they *may not* know we had."

Ury believes that it's crucial to prepare your "walk away" alternative. The better your BATNA (Best Alternative To A Negotiated Agreement), the greater your power.

A frequent psychological mistake is to see your alternative as some wonderful aggregate of all you *could do*. You know the old day-dream: If this doesn't work out I could go to Paris, live on a farm or write a novel. Not.

Ury says that it's empowering to decide what you want and what you'll accept before going in. What's that old Rolling Stones song? "You can't always get what you want. But if you try sometime, you just might find, you get what you need."

### What If They Won't Play?

Ury believes in indirect action. If they simply won't play, Ury recommends "negotiation jujitsu." Simply put, don't attack or defend. Instead, move to the last place they expect: their side. Listen actively. Repeat their position back to them as *one*

option you both are considering. Then recast their attack on you as a tough attack on your mutual problem.

Specifically, Ury recommends the One-Text Procedure." This is where you play the role of the architect. You don't have to get anyone's OK to start the "one text." Simply prepare a draft and ask for criticism. Keep drafting rewrites as all of you shape this Declaration in the Making. What do you think those guys on the Declaration of Independence Committee did—wait for permission?

### What If They Use Dirty Tactics?

The world is full of jerks. How do you handle the illegal, unethical or below-the-belt fighter?

Ury says to call them on their tactic, then respectfully or jokingly negotiate about the Rules of the Game. He offers advice for dealing with very specific dirty tricks as old as the hills: Personal Attacks, Good Guy/Bad Guy Routine, Threats, Escalating Demands, Calculated Delays and Take it or Leave it.

### Common Sense. Uncommonly Practiced.

Ury closes his book with, "You knew it all the time." Class attendee Van Johnson adds, "Pots and pans aren't new, but if someone like Ury invents a handle, now *that* changes things." Many of the managers who attended the classes said that Principled Negotiation is one of the best "handles" to come down the pike in years.

Want the handle of the One-Minute Negotiator? Change the game. Imagine a table. Now instead of facing off across that table, get up, sit side by side and stare down The Problem across the table.

Try it with the cubicle dweller next door.

San Francisco writer Marianne Fleischer covers business and public policy issues for print and video.