



THOUGHT • ACTION • RESULTS

# Strategic Negotiation & Influencing



Israel National Defense College  
1-4 June 2020

CMPartners, LLC

## Historical Affiliations



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# Session Objectives

## The CMPartners Approach

Our approach to skill building and training answers deceptively simple questions: What works? And how do I do what works more often, more effectively, and with greater confidence?

Mastering best practices means learning by doing. Knowledge is necessary, but it is not sufficient. This session is built on interaction, discussion, and application.

### What You Will Gain:

#### 1) Greater Awareness

- The importance of process, and key assumptions which impact effectiveness
- Opportunities and obstacles inherent to negotiating, influencing up the chain, making diverse teams work, and engaging difficult conversations
- Your personal path to greater effectiveness

#### 2) Strategic Thinking

- More strategic goal setting
- Effective preparation
- Practical mental models and tools

#### 3) Action Skills

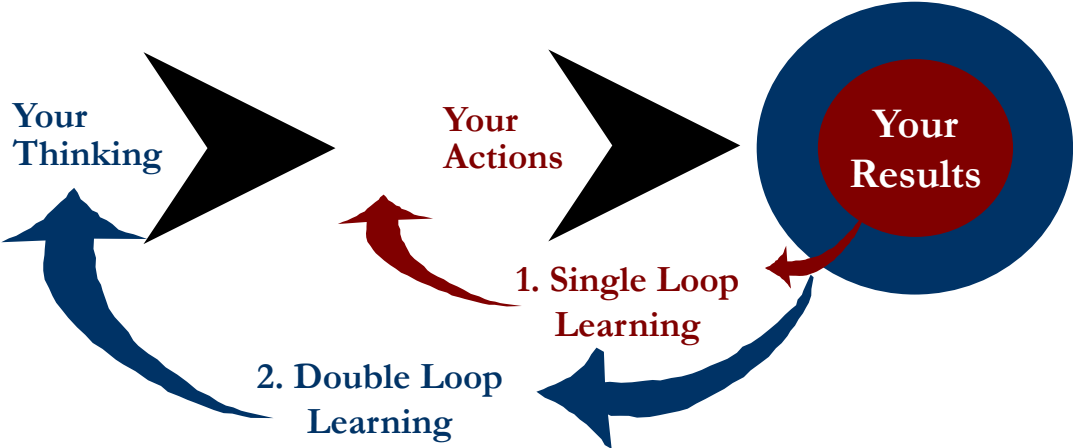
- Influencing without formal authority
- Leading in ways that reduce defensiveness and encourage joint problem-solving
- Managing emotions under pressure
- Learning and adapting in shifting environments

# Strategic Awareness

- Double Loop Learning
- Three Key Phases: Prepare, Engage, Review
- Key Choice
- Strategic Aims

# Double Loop Learning

Effective individuals (and organizations) do not simply adjust their tactics  
They adapt their thinking to fit reality



# Negotiation Leadership: Three Key Phases



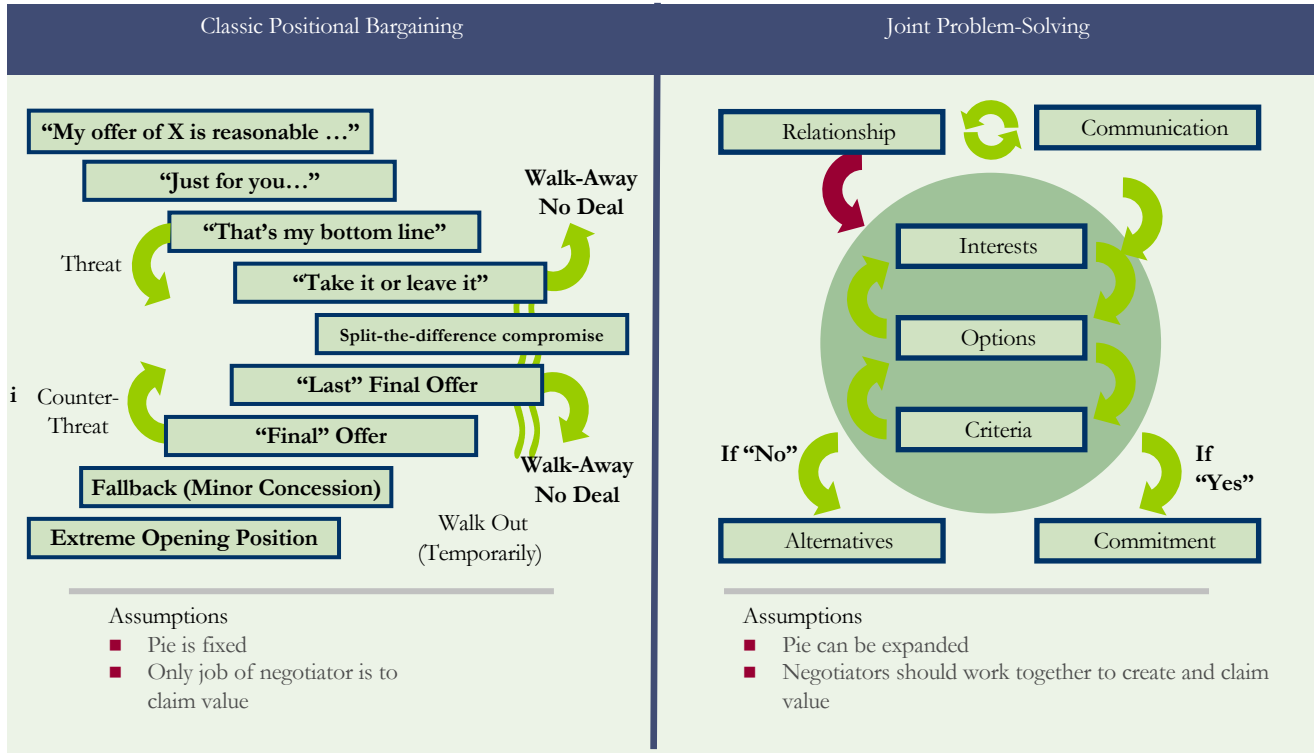
No two conversations, meetings, negotiations, or projects are the same, yet all share a core progression:

1. Preparation and Set-up
2. Engagement
3. Review and Learning

**Our “Aim” informs and drives the three phases of professional engagement.**

We review and test all three phases in relation to our aims.

# Negotiation: A key choice



# Strategic Thinking

## Be Open to Learning

### Disabling Thinking

I see things as they are

I already know all I need to know

They are my opponent

Pie is fixed

How *they* think is *the* problem

### Enabling Thinking

We each see one side of the story

Learning = power

We are problem solvers

Pie can be expanded

How *we each* think is *the* problem



## Strategic Aims

### Typical Aims

#### Win

- Get the most (or give the fewest) concessions
- Get the largest (or make the smallest) concession
- Get the last possible concession
- Break their bottom line
- They hurt more

#### Avoid loss

- Make the fewest concessions
- All parties equally unhappy
- Stay above our bottom line
- Avoid criticism

#### Political Positioning - minimizing confrontations or maximizing alliances

- Be on the “right side” of the issue
- Align with the “right” parties

#### Win/Lose aims sub-optimize, particularly when dealing with

- **complex** or **high opportunity** situations that involve
- **repetition** over time with
- **multiple issues** and
- **multiple parties** including
- **organizations** or **communities** as well as individuals, who care about both:
- **Tangible and quantifiable factors**
  - Scope and time
  - Terms and conditions
  - Authorities and responsibilities
  - Money and resources
- **Intangible factors**
  - Trust
  - Reputation
  - Identity
  - The Future

## Strategic Aims

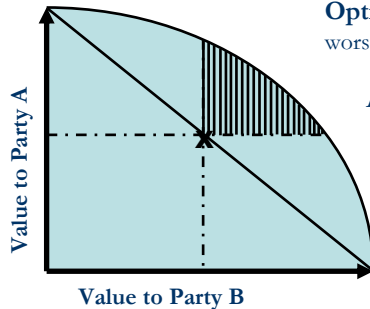
# Optimality

Aim for “optimality” on the possibility frontier

Aim for more than “splitting the difference” at “X”

Identify underlying interests and generate options that maximize value for all parties.

A's Position



**Optimality:** The deal cannot be made better for one without being made worse for another

Any deal in the shaded area is better than “splitting the difference”

B's Position

**Skilled inquiry reveals underlying interests**

**Understanding interests reveals options for agreement**

Design a clear process that differentiates between:

- Option generation, or brainstorming ideas
- Evaluating options against how they satisfy needs and meet legitimate standards
- Committing to the best option(s)

# Skilled Thought and Action

- The 7 Element Framework –Setting Goals
- Strategic Preparation
- The Strategic Compass
- Strategic Inquiry and Advocacy
- Self-Mastery: Difficult Behaviors

# The Seven Elements Framework Definitions and Setting Goals

The Seven Elements	How Measure Success?: A Checklist
<p>1. <b>Interests:</b> The concerns, wants, needs, hopes and fears that underlie and motivate our positions, demands, and contentions</p>	<ul style="list-style-type: none"> <li>✓ We satisfy underlying interests/needs (not necessarily positions)               <ul style="list-style-type: none"> <li>✓ Ours, well</li> <li>✓ Theirs, at least acceptably</li> <li>✓ Others, at least tolerably</li> </ul> </li> </ul>
<p>2. <b>Options:</b> All possibilities on which we might reach agreement; an agreement is best if it explores all potential solutions for mutual gain</p>	<ul style="list-style-type: none"> <li>✓ We consider and capture the best of all available options, thus leaving no value behind</li> </ul>
<p>3. <b>Criteria:</b> The fairness of an agreement as measured by criteria, benchmarks, principles, laws, regulations, standards, practices</p>	<ul style="list-style-type: none"> <li>✓ Objective standards or neutral processes inform wise decision-making               <ul style="list-style-type: none"> <li>✓ Each party can explain the outcome as fair or reasonable</li> </ul> </li> </ul>
<p>4. <b>Alternatives:</b> Available walk-away possibilities in case we do not reach an agreement; neither party should agree to a deal that is worse than its Best Alternative to a Negotiated Agreement (BATNA)</p>	<ul style="list-style-type: none"> <li>✓ Agreement exceeds each party's Best Alternative to a Negotiated Agreement (BATNA)</li> </ul>

## The Seven Elements Framework Definitions and Setting Goals (continued)

The Seven Elements	How Measure Success?
<p>5. <b>Commitments:</b> Statements about what we will or won't do; good agreements are well planned and crafted to be practical, durable, easily understood, and verifiable</p>	<p>✓ We make mutually understood and operational commitments</p>
<p>6. <b>Communication:</b> The message and media through which we convey information; we understand each other even if we disagree, and we minimize resources spent in coming to agreement</p>	<p>✓ Efficient and two-way communication facilitates learning, understanding, and process efficiency</p>
<p>7. <b>Relationship:</b> The overall pattern of interaction between the other parties within and outside the negotiation and us; interactions should improve, not damage, our relationships</p>	<p>✓ We preserve or even enhance the ability to work together</p>

## Common Difficulties

# Typical Preparation

**Preparation is the first step in negotiation.** A lack of effective preparation is one of the main obstacles to a good negotiation outcome. We typically don't prepare enough or we don't prepare well

Typical Preparation	Common Difficulties
Gather "facts"	Information overload
Create positions	A narrow or mis-focus that supports strategic rigidity
Build supporting arguments	Scripted to justify our views rather than change theirs
Fix a bottom line	Bottom line = another offer: Real walk-aways ignored
Create a concession strategy; offer/counter-offer	Commitment moves dominate and limit options

**We may feel prepared if we have simply identified our desires and our bottom line. This kind of preparation, however leads to positional bargaining in which we go back and forth between demands and concessions. We miss opportunities to find creative solutions because we have not set the stage for joint problem solving.**

## The “Container”

# Strategic Preparation

We define the “container”, or the environment in which we must operate in a negotiation, by identifying the boundaries of the problem: What are the issues? What are we discussing? With whom are we engaging? We can contract and expand the container by, for example, adding new people to the negotiation table, or breaking a problem into manageable parts. How we define the container is a strategic decision we make around the people, issues, and meetings involved.

### Define the “CONTAINER”

- Identify the parties that the situation does or could involve or impact
- Identify the key issues for discussion; consider their framing
- Map positive and negative relationships
- Consider possible interest, affinities, and conflicts
- Consider how decisions are actually made
- Consider adding parties/issues (or reframing issues) to improve set-up of negotiation

<b>Parties:</b> Draw a diagram identifying key parties and their relationships to you and to each other	<b>Issues:</b> List all important subjects that need attention
	1.  2.  3.  4.

# Interests

## Strategic Preparation

### Clarify INTERESTS

- Unbundle and clarify our interests
- Estimate theirs and others'
- Ask: What else? Why? With what certainty?
- Consider core concerns: affiliation, autonomy, appreciation, status, role\*
- Determine priorities
- Consider steps to gain additional information before and at the table

<b>Interests:</b> Identify individual/organizational aims, needs, desires, aspirations, concerns		
Our	Their	Others'



# Options

## Strategic Preparation

### Consider **OPTIONS** with no commitment

- Brainstorm possible ideas and solutions by issue and/or interest
- Brainstorm “good for both” ideas and solutions
- Brainstorm “good for us/them” options that might be traded
- Anticipate options they or a third party might propose
- Plan possible option trades
- Consider optimal “bundles” of the various options – target optimality

**Options:** List possible options for each major issue/interest

# Criteria

## Strategic Preparation

### Identify and Test CRITERIA

- Identify relevant benchmarks, precedents, objective criteria, fair or established practices...
- Consider fairness and relevance from our perspective, theirs, and that of a neutral third party
- Consider steps to gain and share data before or at the table

<b>Criteria:</b> Identify objective standards, benchmarks, “fairness” arguments

## Alternatives

# Strategic Preparation

### Consider walk-away ALTERNATIVES

- Develop our Best Alternative to a Negotiated Agreement (BATNA)
- Assess its probability and attractiveness given our interests
- Consider ways to improve our BATNA
- Estimate their BATNA
- Assess if it is operational and attractive given their interests
- Consider ways to weaken their walk-away

Alternatives	
Our? Circle our BATNA	Their? Circle their BATNA
Ways to strengthen our BATNA	Ways to test/worsen their BATNA

# Commitments

## Strategic Preparation

### Plan and Sequence COMMITMENT

- Prepare objectives: What do we aspire to? What are we content with? What can we live with?
- Estimate Zone of Possible Agreement (ZOPA)
- Develop possible “anchors” with supporting criteria
- Plan how to avoid premature commitments and when and how to move to commitment
- Plan roles and authorities accordingly
- Draft good commitment language, consider how to test it at the table

Possible Commitments		
Aspire to	Content with	Live with

# Relationship Strategic Preparation

## Develop a **RELATIONSHIP** strategy

- Assess the relationship – present and past
- Develop a clear picture of how we would like it to be going forward
- Plan to act today in order to build the history we want tomorrow
- Consider new relationships to create, and other parties to involve
- Do not concede on the substance to buy relationships

Relationship			
Current	Preferred	Reasons for Gap	Steps to address

# Communication

## Strategic Preparation

**Plan COMMUNICATION:** Plan a strategy for multiple meetings at and away from the table, before, during, and after any negotiation; diagram and prepare for the meetings

Communication – Plan Meeting Strategy	
Pre-Meeting(s)/Communication(s) to set-up negotiations 1.  2.  3.	Meeting(s)/Communication(s) “at the table” 1.  2.  3.
Purposes: Know our own, discuss others’	Discuss possible roles/ground rules
Product if we achieve our purposes	Inquiry – what questions to ask?
People and Places (who? where?)	Advocacy – what information to disclose?
Process – Setup/Opening/Agenda	Possible communication problems/how to deal
Materials – research needed	Closing/next steps

## Set Up the Right Negotiation

### Plan and act *before* coming to table to make sure that the negotiation has

- *Right* parties
- Dealing with *right* issues that engage the right interests Be soft on the people, firm on the substance
- At the *right* table or tables
- At the *right* time
- Under the *right* expectations, and
- Facing the *right* consequences if there is no deal

### Don't take current "Set Up" as fixed

- Scan and add parties and issues that create new value opportunities
- Identify and build supporting coalitions/weaken opposing coalitions
- Strengthen own BATNAs, consider weakening other's BATNA

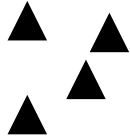
### Design/shape the basic process architecture

- Sequence
- Scope
- Structure
- Roles
- Groundrules

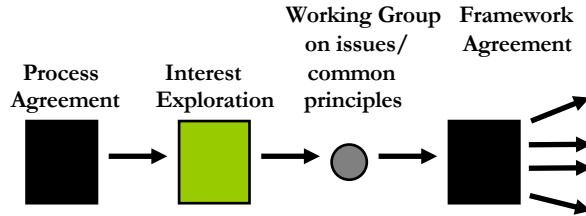
**Source:** *Adapted from 3D Negotiation: Powerful Tools to Change the Game in Your Most Important Deals*, David Lax and James Sebenius

# Illustrative Process Architecture

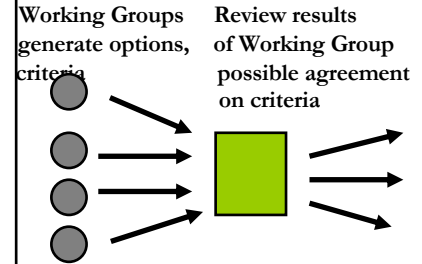
## 1 Pre-negotiation



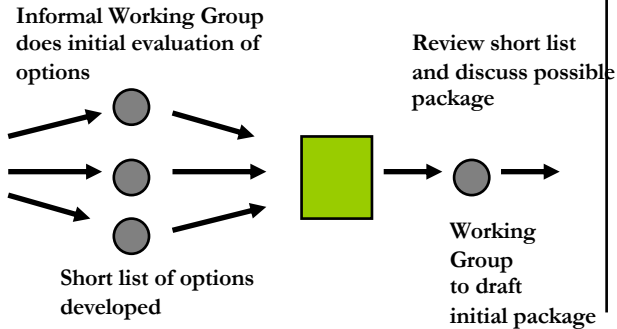
## 2 Process Agreement / Interest Exploration



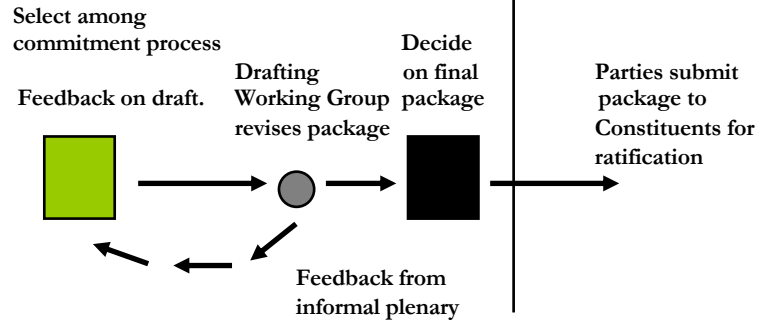
## 3 Option Generation



## 4 Option Evaluation



## 5 Final Package Preparation



## 6 Ratification

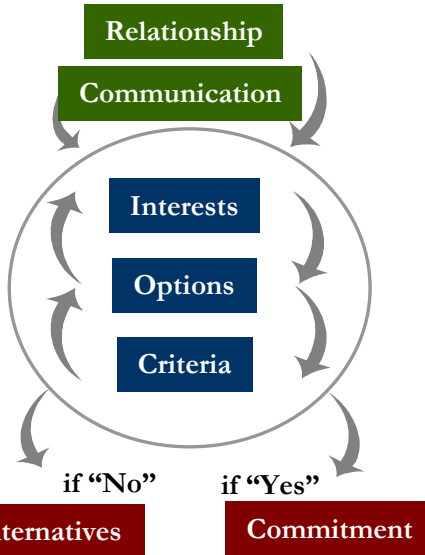


# The Strategic Compass

We organize the 7 Elements into a “Strategic Compass” to focus on and protect both the relationship and the deal in a negotiation. The Strategic Compass helps us navigate the conversation.

## Connecting and Enabling

At the top of the diagram are **RELATIONSHIP** and **COMMUNICATION**, often considered “enabling elements”. To the extent that we have constructive and efficient relationships and communication, these elements help us get into the circle. When relationships and communication are strained, entering the circle is difficult.



## Crafting and Creating

At the center is the “circle of value” – where we create value in negotiation. We are “in the circle” when discussing **INTERESTS**, generating **OPTIONS** that satisfy those interests, and introducing external sources of **CRITERIA** that help us select appropriate options.

## Decision Making

We make **COMMITMENTS** at the bottom of the compass by saying “yes” to the solution generated in the circle of value. If we can do better elsewhere, however, we say “no” and pursue walk-away **ALTERNATIVES**.

# The Strategic Compass

## Guidelines

### **Deal with RELATIONSHIP and substance issues each on their own merits**

- Do not threaten or buy the relationship
- Be soft on the people, firm on the substance
- Create communication and relationship strategies for people problems

### **Facilitate two-way COMMUNICATION**

- Lead or explicitly negotiate the process: Purposes, Products, Places, Parties to involve, and the Process for our discussion
- Listen actively and inquire
- Frame what we say in light of what they will hear
- Reframe their positions and attacks as statements of interest and concern

### **Rather than react to positions, probe for INTERESTS**

- Inquire vertically “Why?”, horizontally “What else?”, and prioritize “In what order?”
- Share some of your own interests
- Share your understanding of their interests and ask for feedback
- Ask for criticisms and suggestions, not demands or concessions

### **Avoid a concessions strategy; generate OPTIONS for mutual gain**

- Jointly brainstorm multiple options
- Separate inventing from deciding
- Consider informal processes for brainstorming

# The Strategic Compass

## Guidelines (continued)

### Use **CRITERIA** to make wise decisions, even when interests conflict

- Explain your reasoning, inquire into theirs
- Consider how they might explain any agreement to their constituents
- Focus on why an option is fair or appropriate
- Remember, parties can rely on different criteria to explain a shared decision to their respective constituencies

### Acknowledge **ALTERNATIVES** or **BATNA** as a choice

- Discuss BATNAs in order to unearth interests and invite better options
- Reality test their BATNA – how well does it satisfy their interests?
- If useful, explain your BATNA as a choice you need to make

### Make **COMMITMENTS** with care after learning all you can

- Commit early on process (and re-negotiate as you go), late on substance
- Build toward your objectives in stages
- Break-up decision making into manageable parts
- Consider anchoring with supporting criteria to shape perceptions of Zone Of Possible Agreement (ZOPA)
- Verify that parties know what they are committing to, how they will keep their commitments, and how implementation can be verified

## Action: Three Key Skills

**Inquiry**

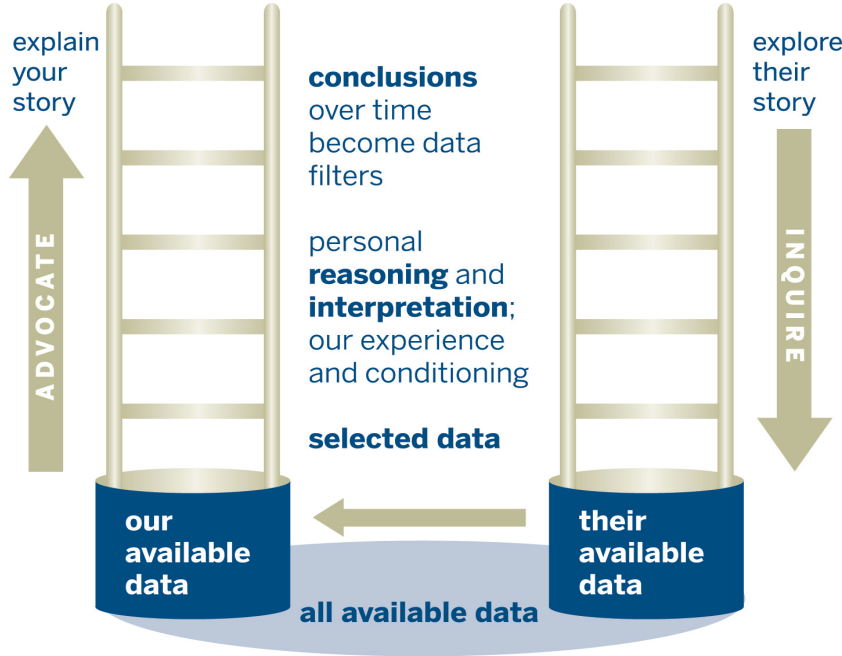
Asking how they understand it

**Acknowledgment**  
Demonstrating understanding of their  
story and feelings

**Advocacy**

Explaining how you understand it

# The Ladder of Inference - A Tool for Balancing Advocacy and Inquiry



## Strategic Inquiry

# Why Inquire? Partisan Perceptions

We each collect and experience different data, and selectively retain, recall, and revise the data that fits our existing stories. Our memories become filters for conforming data and against non-conforming data. Thus:

- We are more aware of and receptive to evidence that supports our prior views
- We miss, ignore, or dismiss non-conforming data
- We do not see what others are saying, so we assume something is wrong with them

Partisan perceptions refers to unconscious assumptions and sometimes hidden biases that influence how we see the world, and our sense of “the truth”.

### Dealing with Partisan Perceptions:

- **Cultivate curiosity:** Inquire to learn, not to persuade
  - Recognize everyone comes from and lives in a different story
  - Develop and demonstrate understanding before seeking to be understood
- **Make understanding a collaborative effort**
  - Consider discussing partisan perceptions early and explicitly
  - Make mutual understanding a shared goal
  - Consider carefully whether agreement is actually necessary
- **Use The Ladder:** Dig for data, and reveal the reasoning behind conclusions
  - Be explicit about the data you see; ask about the data they see
  - Discuss frames of reference: how you each interpret the data and reach conclusions
  - Build new perceptions rather than battle old ones
  - Seek nonconforming data, for both their view and yours
  - Avoid offering them conforming data for their negative views

## Self Mastery

# Balance Advocacy and Inquiry

### INQUIRY

#### **Cultivate your curiosity about them**

- Be present in the moment with a focus on the other
- The less you agree the more you should understand
- Find respect for others even if not for their arguments
- Inquire into the impact of your actions on others

#### **Practice strategic listening**

- Focus your internal voice
- Listen with heart and mind
- Listen to learn
- Test for their intentions

#### **Earn the right to inquire**

- Express *and* test your understanding
- Build on the aspects of their view that you share
- Be prepared to do what you ask of them

### ADVOCACY

#### **Invite discussion of your thinking**

- Use “testable” advocacy
- Span your ladder: Share your data and reasoning
- Test their understanding as you go

#### **Don’t assume what is persuasive to you will be persuasive to them**

- Build from their perspective/what is important to them

#### **Be open to being persuaded to be more persuasive**

#### **Don’t make the conversation a competition – try to build rapport as you try to persuade**

#### **Probe complexity**

- Use “AND”, not “but”
- Reframe certainty, blame, and intention invention

# Strategic Inquiry

## Strategic Listening

**Our Goal:** To hear and understand, and to reap the benefits of that understanding

### When to Inquire, Listen Actively, and Learn

- When they are not listening to you
- When you are going around in circles
- When communication feels difficult
- In emotional situations
- When you are *not sure* you understand
- When you are *sure* you understand

### Prepare to Listen Well

- Be present and aware of and gently minimize your internal voice: Silent judging, defending, planning and rehearsing (you can do all this later with better understanding)
- Assume they are “rational”, certainly from their point of view
- Cultivate an interest in their story and their views
- Listen strategically – to learn about interests, communication, etc.
- Listen “between the lines” for what they really care about, not just what they say
- Test your inferences with them
- Remember: Understanding is not necessarily agreeing
- Remember: Understanding and demonstrating your understanding is power, especially when you disagree



# Strategic Inquiry

## The 7 Elements: Go to Words

### About RELATIONSHIP

- Should we be the people trying to resolve this?
- What concerns do you have about working with me/us?
- What are your (your firm's) hopes or expectations about how we work together?
- What protocols for working more effectively with each other should we discuss/brainstorm?
- Have we done anything you find offensive/insulting?

### About COMMUNICATION

- Do I understand you to be saying...?
- What do you hear me saying?
- What do others hear us saying?
- What is our purpose for this meeting?
- What is our agenda for this meeting?
- How does this discussion connect to our purpose/agenda?
- Should we move on from this topic?

### Inquiry into INTERESTS

- What are you trying to accomplish in these negotiations?
- What are your key motivations in these negotiations?
- Why? Why not?
- What are your concerns about...?

## Strategic Inquiry

# The 7 Elements: Go To Words (continued)

### Inquiry into CRITERIA

- Why do you think we ought to do that?
- What benchmarks do you see in our industry that make this appropriate?
- If you were me, how would you justify that to others?

### Inquiry into OPTIONS

- What would be wrong with...?
- What other ideas might we brainstorm on this problem?
- If we work together, how might we make this better for both of us?
- Any ideas on that?

### About COMMITMENT

- What is the purpose of this meeting?
- Do you have the authority to make a decision on this?
- Do others need to be here to get this done?
- What would be your reaction to a possible offer like...?
- If I were able to offer you “x”, could you say yes today?

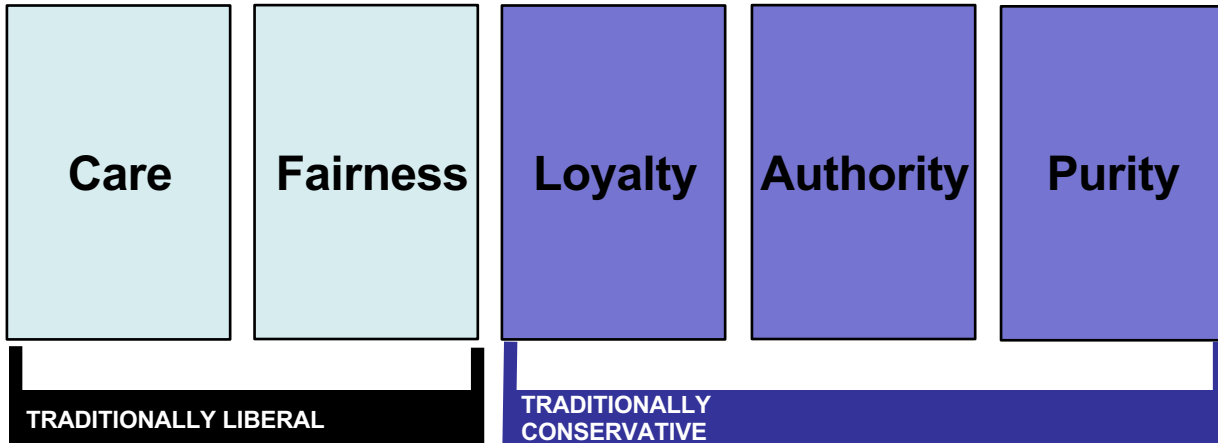
### About ALTERNATIVES

- If we walked away from this deal, where would you/we go?
- Do you feel we “must” do a deal here?
- I would prefer to work something out jointly, would you?
- What interests would be better met if you don’t agree?

# Strategic Advocacy

## Five Moral Foundations

Consider framing arguments to connect with core foundations of other party:

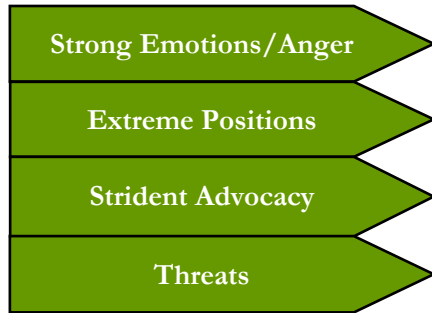


Source: "From Gulf to Bridge: When do Moral Arguments Facilitate Political Influence?" by Matthew Feinberg and Robb Willer  
Adapted by Naseem Khuri

# Self Mastery

## Facing Difficult Behaviors

### Difficult Behaviors



### Instinctive Reactions

#### Fight

Reject  
Argue  
Push back  
Escalate  
Judge

#### Flee

Withdraw  
Give-in

#### Freeze

Avoid  
Delay

### The Problem

When we react, mirror, escalate, avoid or withdraw from difficult behaviors we often make matters worse and damage the relationship.

### The Answer

We do better if we first pause, think and feel, and lead - act with strategic purpose.

## Self Mastery

# Self-Regulate – Recognize, Reflect, Reaffirm

### **RECOGNIZE and PAUSE:** Strive to regulate yourself

- *Name it to tame it* (e.g., “my stomach is tight and I am anxious”)
- Focus on breath – rhythmic, smooth, from the belly

### **REFLECT:** Go to *balcony* (observe self)

- Sense/recognize what is happening within you (bodily sensations, emotions, thoughts)
- Ask yourself, “How does this conversation threaten how I/they want to be perceived?”, “What triggered me/them?”, “Am I/they in fight/flee/freeze?”
- Ask yourself if you (and they) have self-regulated? (e.g., the tightness in my stomach is gone, I do not feel anxious)
- Try to sense what is happening in them (e.g., emotions)

### **REAFFIRM** your goals and intentions

### **ACT** with clear and constructive intention

- The choices: Time-out, play their game, or LEAD
- Reframe from their bad behavior to the underlying need
- Lead to a new game unilaterally, or negotiate new ground rules
- Take them down their ladder - enable understanding and joint problem-solving
- Use the Strategic Compass
- *The less you agree, the more you need to understand*

# Self Mastery

## Breathing is Key to Self Regulation

### Focus on

- Consistent Rhythm
- Smoothness
- From belly
- Inhale through nose
- Longer exhale

**Maintain for 2 minutes if possible**

**Consider adopting regular practice of meditation**

## Self Mastery

# Understand and Explore your Triggers

**Reflect on what *perceived threats/challenges* tend to activate *fight/flight/freeze* in you**

- Identity – self image
- Connection/belonging
- Autonomy
- Status
- Role
- The “facts”
- Survival/existence

**Gain insight into your *emotional learnings***

- Beliefs/assumptions (which are taken as true) which shape how you perceive the best course to stay safe and to interpret the world

## Self Mastery Identity Threats

<p>1. List three positive qualities: “At work I am always a _____ person.” (e.g., honest, competent, decisive)</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p>2. List three possible opposite traits to the three qualities you wrote in column 1: (e.g., deceptive, unskilled, passive)</p> <p>_____</p> <p>_____</p> <p>_____</p>
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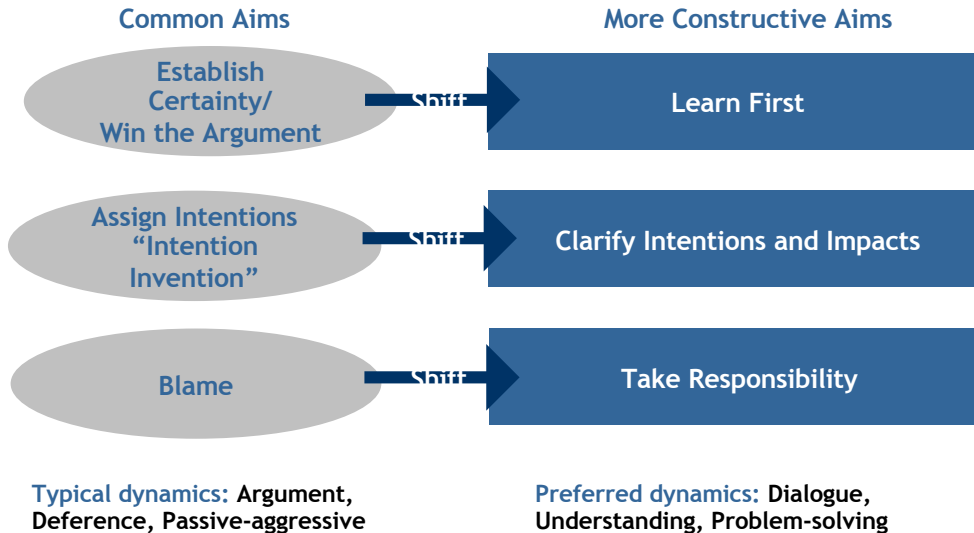
3. Examine your memory: Can you recall an interaction at work when someone seemed to conclude - as suggested in their words or actions - that you were one or more of the things listed above in column 2?
4. How did you feel? What did you conclude about yourself or the other person?
5. What, if anything, did you do?
6. Today, what do you wish you had done differently?

*Consciously or unconsciously, we can experience challenging interactions with others as threats not only to our ideas and positions, but to our very sense of self as well.*



# Thinking: Shift to More Constructive Intentions

When dealing with differing views of facts, the common over-riding aim is to be “right”. The associated aims listed below lead to conflict and unhelpful thinking, words, actions, and reactions. Skilled communicators shift to more constructive aims.



## Self Mastery

# Difficult Tactics: 4 Steps

### 1) Reframe their actions and statements

- **From positions, demands, and threats to interests**
  - “Can you say more about what you are trying to accomplish?”
- **From positions to options**
  - “That’s one option, let’s explore others.”
- **From positions to criteria**
  - “How did you develop that number? Let’s consider other possible standards.”

### 2) Name the game and change it

1. **Name the behavior or dynamic** “When we lock into positions...”
  2. **Describe the impact:** “we may miss other opportunities...”
  3. **Suggest the change:** “so let’s look at all options before deciding.”
- Negotiate the process: *how* we should work with each other
  - Explain and/or model the value of engaging “in the circle”
    - “I am not asking you to commit now but just to explore our interests and options.”

### 3) Change the process (or players)

- Reset the process: issues, sequence, timing, formal vs. informal, roles, overall architecture/design
- Suggest more useful roles – advising, brainstorming, educating, framing
- Delegate issues and decisions to more appropriate parties
- Add or replace one or more parties on either side

### 4) Discuss your and their BATNA, and if necessary, go to your BATNA

# Key Lessons

## **Be aware of limiting assumptions, and test them**

- Zero-sum or pie can be expanded
- Contest of will or problem to solve jointly
- My way of seeing the situation is right

## **Prepare, prepare, prepare**

- Map parties and issues
- Identify and plan interests, options, criteria, alternatives, commitments, relationships and communication
- Set Up “away from the table”
- Zoom out (to the strategic context), zoom in to the individual

## **Engage Purposively**

- Enable, clarify interests/create and claim/decide
- Balance inquiry and advocacy
- Regulate (if knocked off balance)
- Think Strategically, Act opportunistically

## **Debrief, debrief, debrief**

- What worked? Why?
- What do differently? Why?
- What surprises? Why?

# Appendix

- **Learning Journal**
- **One-Text Tool**
- **CMPartners Description**
- **Ken Hyatt Bio**
- **Bibliography**
- **7 Element Framework**

## Influence Journal

# A Tool for Continuous Learning

Date:

Negotiation:

Issues:

What did you and/or the other person do well, and that perhaps helped you both do well?  
Be specific and concrete - identify actions and words, and their impact.

What 2 or 3 things would you do differently next time? Should the other person have done differently?  
Be specific and concrete - identify actions and words, and their impact.

What surprised you? Assumptions to test?

Other significant learning points:

# Multi-Party Negotiations

## One-Text Procedure

### Step 1: Explore Interests and Options

- Survey the parties interests and preferences
- Gather possible options
  - Consider informal discussions

### Step 2: Develop a Draft

- Craft interests and options into a draft package
- Leave blanks/brackets where needed
- Mark text “DRAFT #1: for discussion only”
  - Avoid draft as a whole group, consider appointing a drafting team

### Step 3: Gather Feedback and Revise

- Solicit feedback from parties on the draft
  - Ask: “what interests are not met by this draft?”
  - Look to uncover preferences and trade-offs
- Revise the draft using the feedback
  - Label ““DRAFT #2: for discussion only”, “DRAFT #3: for discussion only”, etc.
  - Repeat as long as possible, needed

### Step 4: Move to Closure/Commitment

- Freeze the draft as a whole package
- Clarify the consequences of “yes” and “no”

# Multi-Party Negotiations

## One-Text Guidelines

### **Don't ask for concessions**

- Develop a possible option package and ask for criticism (how interests are not met)
- Do not defend the draft

### **Look for priority among interests and options**

- General statements are not enough
- Focus on concrete options
- Test many versions of options

### **Commit/lock-in the draft in stages**

- Freeze portions of the draft
  - Work on other areas
- Commit to the package as a whole, only when all sections are complete

# CMPartners

## Consulting and Advisory Work

CMPartners professionals assist our clients in the preparation, management, and review of their critical negotiations and working relationships. Examples include building strategic alliances, procurement and supply-chain management, key customer and account management, performance management, labor/management negotiations, leadership development, and the settlement of complex disputes.

Sustained improvement of individual or organizational negotiated results may require the development or enhancement of internal systems and practices. We work with our client partners to identify these organizational factors, design changes that will yield better-negotiated results, and implement programs.

### A partial list of CMPartners non-confidential private sector clients

Astra Zeneca	Chevron	Credit Suisse
CSIS	Duke CE	EBRD
IMF	Saudi Aramco	Southern California Edison
Tektronix	World Bank	World Health Organization

### A partial list of other public sector projects

- **Negotiation Strategy Institute:** Negotiation and communication training for Israeli, Palestinian and international officials and negotiators
- **Kashmir Initiative:** A capacity building initiative for Kashmiri civil society leaders in state government, opposition groups, and civil society
- **Burundi Leadership Training Program:** A capacity building initiative designed to assist 100 key ethnically diverse Burundian leaders in restoring trust, guiding the country's economic reconstruction, and building a sustainable and cohesive leadership network
- **Nepalese Constitutional Assembly:** Joint work with the Karuna Institute and APG (A Public Good) to promote peace, social integration, and the drafting of a new constitution for the country of Nepal
- **East Timor Project:** Equipping leaders in government and civil society with the tools and skills they need to build a peaceful and productive society in their new nation



## Ken Hyatt Founder & Partner, Washington, D.C.

Ken Hyatt is a Founder and Partner of CMPartners, a Senior Advisor at AlbrightStonebridge Group and a Senior Associate at the Center for Strategic and International Studies (CSIS). Mr. Hyatt serves as an advisor to clients engaged in critical negotiations and conflicts and assists clients in the management of critical relationships. His work includes helping clients improve their negotiation and communication capacity and results, advising one side on negotiating a specific transaction, facilitating disputes among a set of parties on a non-partisan basis, advising organizations on improving internal conflict management and decision-making processes, advising organizations on creating, maintaining and/or repairing relationships with critical internal and external parties and designing and conducting training workshops throughout the world. He also provides trade and investment advice to organizations engaged in international commerce, and leads and contributes to policy initiatives aimed at strengthening international relationships.

Mr. Hyatt recently rejoined CMPartners after serving in the U.S. Department of Commerce. He served as the Acting Under Secretary and Deputy Under Secretary for International Trade. He oversaw the strategy and operations of the International Trade Administration (ITA) with an annual budget of just under \$500 million and more than 2,200 employees worldwide. He led ITA which promotes U.S. competitiveness and the strength of U.S. companies in the global economy; contributes to the development of U.S. trade policy; identifies and resolves market access and compliance issues; administers U.S. trade laws; and undertakes a range of trade and investment promotion and trade advocacy efforts. He worked with a wide range of U.S. companies helping them achieve their international objectives and with foreign governments on the development and implementation of trade and investment policies. He also co-led the creation of SelectUSA, the U.S. government's investment attraction agency, led the U.S. government's support for BrandUSA, the U.S. national tourism promotion organization, and co-led the development of the U.S. National Travel and Tourism Strategy.

Prior to forming CMPartners, Mr. Hyatt was a Principal at Conflict Management Inc. and a management consultant with Bain & Company in its Boston, London and Munich offices. At Bain, he led teams of consultants analyzing and implementing a variety of strategic and organizational projects at leading American and European multinational corporations. His work focused on strategy development, mergers and acquisitions, sales and marketing strategy, and training.

Mr. Hyatt also has been an Associate at the Harvard Negotiation Project where he taught seminars for business executives, law and other graduate students. He received his B.A. from Yale College, his J.D. from Harvard Law School and was a Fulbright/West German Exchange Service Scholar. [khvatt@cmpartners.com](mailto:khvatt@cmpartners.com)

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