
Kluwer Mediation Blog

Principled negotiation's greatest hits

Charlie Woods (Core Solutions Group / Scottish Universities Insight Institute) · Friday, June 8th, 2018

The International Association of Mediators conference in Edinburgh last month provided a great opportunity to reflect on the lessons learned from the application of a principled negotiation approach, as set out in 'Getting to Yes'. The conference benefited from the experience of over a hundred leading mediators from around twenty countries, along with policy makers and others who had put theory into practice. It also featured a major contribution from William Ury (one of the authors of the seminal work) who addressed delegates, Scotland's First Minister and members of the public in the Scottish Parliament.

This opportunity to reflect led me to try and compile a 'desert island discs' selection of some of the greatest hits from this growing body of work. For those unfamiliar with the format it involves choosing eight records you would rescue if shipwrecked on a desert island. The idea is that you are marooned there on your own, so William Ury's latest book 'Getting to yes with yourself' would probably be essential reading! My eight 'discs' would include:

- Go to the balcony - keep your eye on the bigger picture/prize - remain calm, find time to think
- Listen carefully - to what's said and not said - try to empathise - see the world as a friendly place
- Get into their shoes - try to understand things from different perspectives - who are the constituencies outside the negotiation - don't short circuit the understanding stage
- Give to gain - build trust and demonstrate positive intent
- Separate the people from the problem - be respectful, have care for the human dimension (what's going in lives beyond the negotiation) - think about how physical space can influence mood
- Build a golden bridge that can attract - write your negotiation partner's victory speech - reframe to attract or change perspective - acknowledge other's perspectives and provide reassurance to help engagement - consider who might best deliver messages or make offers
- Develop your BATNA - don't be a pushover - be prepared to say no positively if required - be forgiving
- Look for positive sum options and ideas that meet needs and interests of all parties

and wider constituencies - have regard to real and perceived fairness

While on the musical theme, the conference dinner involved a great contribution from Scottish jazz musicians Tom and Phil Bancroft. They reminded me of the value of improvisation when mediating to help parties get to yes. The beauty of the mediation process is that it has the flexibility to allow this improvisation, while providing a tune to return to should you begin to lose your way!

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The image shows a promotional graphic for Kluwer Arbitration Practice Plus. On the left, there is a blue background with the title 'Kluwer Arbitration Practice Plus' and a description of the tool's features. On the right, there is a screenshot of the software interface. The interface has a blue header with a checkmark icon and the text 'Explore Practice Plus'. Below the header, there is a profile card for 'Gary R. Ryan' with a photo and some statistics. To the right of the profile card, there are three circular charts representing different data points. At the bottom of the interface, there is a 'Wolters Kluwer' logo.

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