

# Negotiating Inside Out

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- Before the external negotiation

- \* Research and understand the viewpoint and the interests of the different internal constituents on your side
- \* Discuss internally the fundamental interests of your institution as a whole and the respective BATNAs<sup>1</sup> (your own one and the one of the other party)
- \* Do not try, prior to the external negotiation, to reach an internal agreement with respect to the positions that you shall have to defend as a representative of your institution

- During the external negotiation:

- \* Initial phase

- Try to establish a good working relationship and strive for good communication with the other party
- Explore the fundamental interests of both parties (as well as the preoccupations of their constituents)
- Explore jointly several mutually beneficial options (possible pieces of an agreement), without any commitment
- Explore jointly possible decision criteria to resolve conflicting interests in a fair and legitimate way, again without commitment

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<sup>1</sup> BATNA: Best Alternative To a Negotiated Agreement

\* Intermediate phase: internal consultations

- Discuss internally the progress and preliminary results of the external negotiation.
- Obtain a decision (negotiated or not) concerning the points that, for the institution as a whole, are not negotiable internally anymore
- With respect to the still negotiable points, discuss internally the improvements that you may suggest to the other party as far as options and decision criteria are concerned

\* Final phase

- Review with the other party the result of internal consultations
- Discuss together the suggested improvements of options and decision criteria
- Determine jointly the best option(s) and the most suitable decision criteria to resolve conflicting interests
- Prepare jointly the final draft agreement
- Compare, independently from the other party, the draft agreement and your own BATNA
- If the draft agreement is more attractive than your BATNA, sign it. If not, either try to renegotiate the draft agreement or walk away.

Sources: Fisher R. - Negotiating inside out: What are the best ways to relate internal negotiations with external ones. *Negotiation Journal*, January 1989 + Fisher R. and Davis W.: Authority of an agent – When is less better?, in *Negotiating on Behalf of Others – Advice to Lawyers, Business Executives, Sport Agents, Diplomats, Politicians and Everybody Else*, edited by Robert H. Mnookin and Lawrence Susskind, Sage Publications (1999)