Collaborative Negotiation
Congruent Seven-Element Strategy

- Unconditionally Constructive Relationship
- Invent Many Options
- Maximize Legitimacy
- Clarify Interests
- Efficient Two-Way Communication

BUILD RAPPORT

CREATE

If “No”
Develop and Discuss BATNAs

VALUE

If “Yes”
Commit on Substance After Creating Value

CHOOSE WISELY
### Multiparty Negotiations
### Types of Mediators

<table>
<thead>
<tr>
<th>“Positional”</th>
<th>“Collaborative”</th>
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<tr>
<td>Clarify positions</td>
<td>Clarify interests</td>
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<tr>
<td>Ask for concessions</td>
<td>Generate and explore options</td>
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<tr>
<td>Seek to discover “bottom lines”</td>
<td>Clarify BATNAS’ s (reality testing)</td>
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<td>Ask what parties are willing to do</td>
<td>Ask why proposals are fair</td>
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<tr>
<td>Manipulate communication</td>
<td>Facilitate mutual listening</td>
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<td>Seek early commitments</td>
<td>Craft wise commitments</td>
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<tr>
<td>Ignore relationship issues</td>
<td>Improve the working relationship</td>
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Multiparty Negotiations
Using a One-Text in Mediation

1. Choose Process Managers and Drafters
2. Explain the ground rules
3. Elicit Interests of the parties
4. Prepare a rough draft text of a possible agreement
5. Ask each party to criticize the draft by explaining what interests of theirs it fails to satisfy and why
6. Redraft the text in light of what you have learned
7. Again ask each party what would be wrong with such an agreement (how it still fails to satisfy their interests)
8. Continue this process of criticism and redrafting until you feel you cannot improve the draft further.

9. When you conclude that the draft cannot be improved and the parties are as ready as they may ever be to accept it, freeze the draft.

10. Present the text to the parties as a Yes or No choice.

11. Each party then makes its decision: Agreement on these terms, or no agreement.