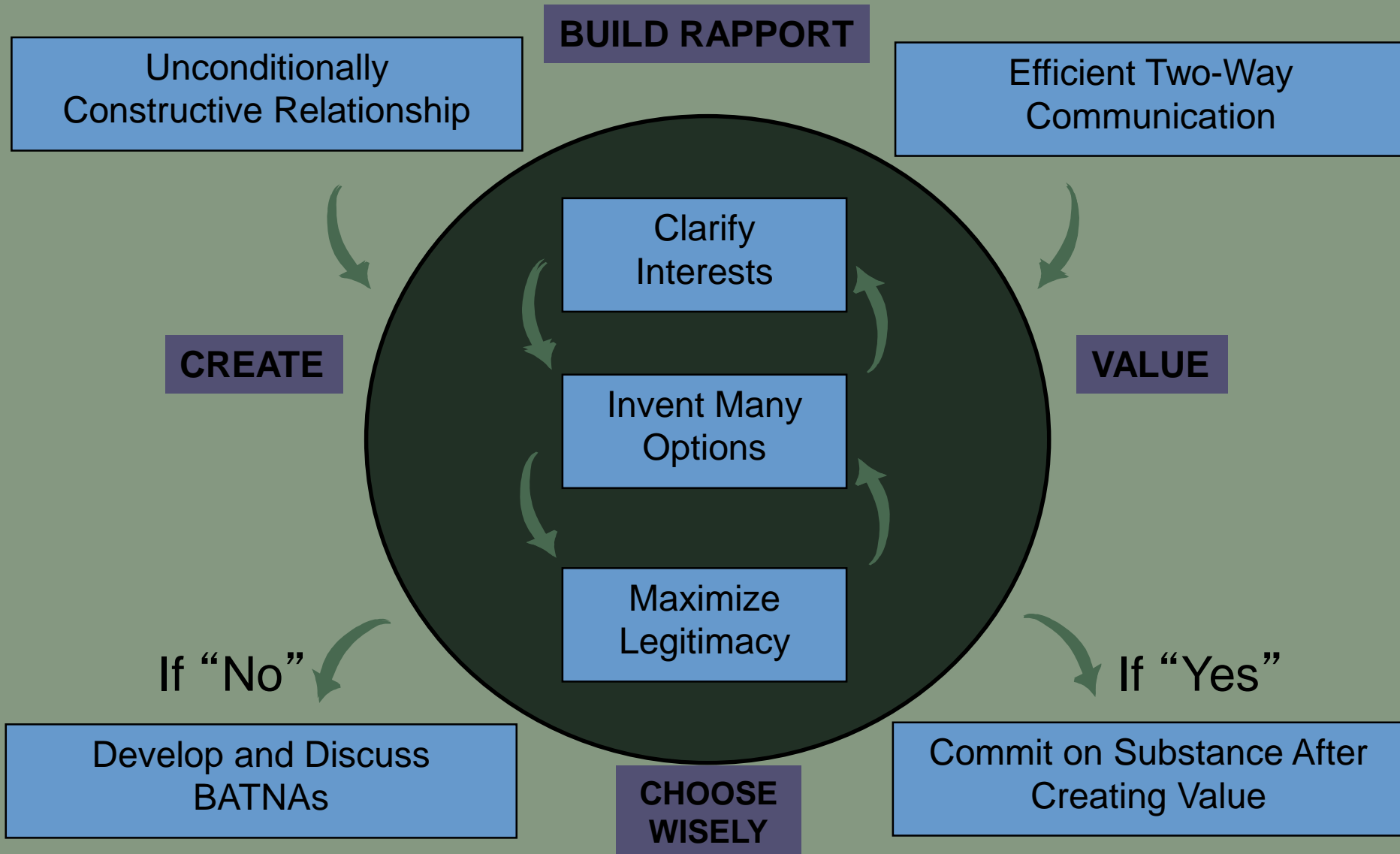


Collaborative Negotiation Congruent Seven-Element Strategy



Multiparty Negotiations

Types of Mediators

“Positional”

Clarify positions

Ask for concessions

Seek to discover “bottom lines”

Ask what parties are willing to do

Manipulate communication

Seek early commitments

Ignore relationship issues

“Collaborative”

Clarify interests

Generate and explore options

Clarify BATNAS’ s (reality testing)

Ask why proposals are fair

Facilitate mutual listening

Craft wise commitments

Improve the working relationship

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)

Multiparty Negotiations Using a One-Text in Mediation

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

