

Principles of Conflict Negotiation and Resolution



William Heegaard, August 2nd, 2010

There are two main fields of conflict the available literature: positional and interest-based negotiation.

negotiation strategy that frame most of

Positional Negotiation

On one side of the negotiation spectrum lay positional, distributive, or competitive bargaining. This type of negotiation involves “holding on to a fixed idea, or position, of what you want and arguing for it and it alone, regardless of any underlying interests.”¹ As Wesley Helms explains, “By offering one solution to a problem, the bargainer’s role becomes convincing their constituency (your stakeholders) that it is the right solution and no further negotiation is needed.”² Positional bargaining usually takes place in the context of fixed resources, so that the more one negotiator gets, the less the other gets. Therefore, the goal becomes maximizing one’s own interests and claiming value.

Example: The instance of a fruit vendor and customer haggling over the price of a banana provides a great example of positional bargaining. The fruit vendor has a minimum price at which he is willing to sell his bananas, and the customer has a maximum price at which he is willing to buy. Both sides begin negotiation from two extreme positions and slowly offer concessions until they reach a compromise. The banana’s price tag might say “one dollar,” but the customer offers eighty cents. The vendor claims that he won’t sell for less than ninety five cents, but the customer says the highest she will go is eighty five. The vendor drops his price to ninety cents, and the customer accepts. Both parties concede ten cents to make the sale.

Pros and Cons of Positional Negotiation

Pros: Proponents of positional bargaining argue that it allows the different parties to focus on the issues at hand and prevents underlying interests from entangling or hindering the negotiation process. If the parties come to the table with dramatically opposing interests, it may be more effective to negotiate in terms of their specific positions and move towards compromise.

Example: “Two nations are in a dispute over water rights. However, they also differ on many other issues, including trade, immigration, religion, and politics. Broadening the debate to include these underlying interests will only polarize the sides further. In this case it may be much easier to reach agreement if the two sides focus on the smaller issue of water, and set aside their other concerns. This involves negotiating in terms of positions. This may help the sides reach a compromise without

¹ Spangler, Brad. "Positional Bargaining." *Beyond Intractability*. Eds. Guy Burgess and Heidi Burgess. Conflict Research Consortium, University of Colorado, Boulder. Posted: June 2003 <http://www.beyondintractability.org/essay/positional_bargaining/>.

² Helms, Wesley. “Rubbing Your Nose Off At The Grindstone.” *Mediate.com*. Posted: February 2003. <<http://www.mediate.com/articles/helmsW.cfm?nl=18#>>

creating any larger, interest-based conflicts.”³

Positional bargaining can also be very effective during time-sensitive crises in need of short-term solutions.

Case Study: The U.S. Government’s response to the terrorist attacks on September 11th, 2001, provides a good example of immediate benefits of positional bargaining. Within the context of an immediate national security crisis, the Bush Administration “set out an agenda, stood by it, and with internal and external partners made global security changes. Due to the nature of the crisis, international and local constituencies turned to leadership and the Bush Administration’s immediate solutions were effective, deserving the strong local and international support it received.”⁴

Cons: While positional bargaining can be used to respond to specific and immediate issues, it can also cause serious problems for a negotiation’s longer-term future. Positional bargaining is inherently inflexible, since both parties come to the table with their solutions already in mind. As the negotiation advances, the parties focus more on defending their own position than recognizing underlying interests. Therefore, any agreement that is reached will “probably reflect a mechanical splitting of the difference between final positions rather than a solution carefully crafted to meet the legitimate interests of the parties.”⁵ In addition, positional bargaining can be very inefficient in terms of the number of decisions needed to be made before a compromise is reached.

Case Study: The Bush Administration’s long-term adherence to this type of negotiation with the UN over the Iraq invasion clearly damaged international support. From 2001 to 2003, internal and external partners were provided with only two options, agree to invade Iraq or watch the U.S. will invade unilaterally. The lack of any U.S. attempts to include internal and external partners in two-way decision-making left the international community questioning the invasion’s legitimacy and leadership credibility. This example illustrates how hard positional bargaining “beyond the system’s perceived crisis timeframe damages relationships and alienates the bargainer.”⁶

Interest-Based Negotiation

On the other side of the conflict negotiation spectrum, interest-based bargaining (also known as integrative, principled, win-win, or cooperative) involves “developing mutually beneficial agreements based on the interests [needs, desires, concerns, and fears] of the disputants.”⁷ According to Michael Watkins and Susan Rosegrant, this strategy of negotiation leverages “the potential for the parties’ interests to be [combined] in ways that create joint value or enlarge the pie” instead of claim value and distribute the pie.⁸ The dominant

³ Spangler, Brad. "Positional Bargaining."

⁴ Helms, Wesley.

⁵ Fisher and Ury outline the basics of this argument in Chapter 1 of *Getting to Yes*. Roger Fisher and William Ury, *Getting to Yes: Negotiating Agreement Without Giving In*. (New York: Penguin Books, 1981), 5.

⁶ Helms, Wesley.

⁷ Spangler, Brad. "Integrative or Interest-Based Bargaining." *Beyond Intractability*. Eds. Guy Burgess and Heidi Burgess. Conflict Research Consortium, University of Colorado, Boulder. Posted: June 2003 <http://www.beyondintractability.org/essay/interest-based_bargaining/>.

⁸ Watkins, Michael and Susan Rosegrant, *Breakthrough International Negotiation: How Great Negotiators Transformed the World's Toughest Post-Cold War Conflicts* (San Francisco: Jossey-Bass, 2001), 31.

concern is to leave both sides feeling like they have more value than before the negotiation began.⁹

Example: “The classic example of interest-based bargaining and creating joint value is that of a dispute between two little girls over an orange. Both girls take the position that they want the whole orange. Their mother serves as the moderator of the dispute and based on their positions, cuts the orange in half and gives each girl one half. This outcome represents a compromise. However, if the mother had asked each of the girls why she wanted the orange -- what her interests were -- there could have been a different, win-win outcome. This is because one girl wanted to eat the meat of the orange, but the other just wanted the peel to use in baking some cookies. If their mother had known their interests, they could have both gotten all of what they wanted, rather than just half.”¹⁰

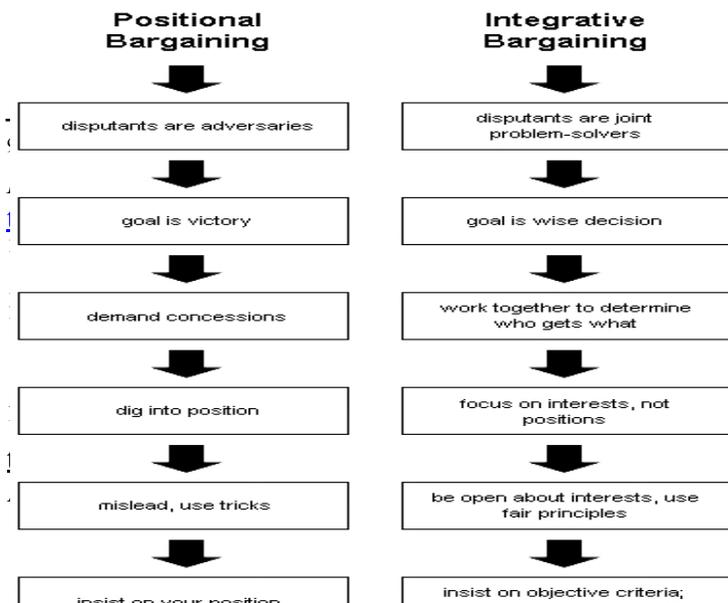
Pros and Cons of Interest-Based Negotiation

Pros: The proponents of interest-based negotiation argue that it usually leads to more agreeable outcomes for both parties involved in the negotiation process. Instead of splitting the difference between two positions, interest-based negotiation hinges on understanding what both parties want *and* why they want it, allowing for the development of creative, integrative solutions that can potentially give both parties all of what they want.

Case Study: “In Getting to Yes, Fisher and Ury illustrate the importance of principled negotiation by examining the 1978 Egyptian-Israeli negotiations at Camp David. When the negotiations started, the sides’ positions were completely opposed to each other. Egypt insisted on complete sovereignty over the Sinai Peninsula (which Israel had occupied in the 1967 6-day war), while Israel insisted on keeping control of at least some of the Sinai. Map after map was drawn, each with different dividing lines. None managed to meet the positions of both sides simultaneously.

‘Looking to their interests instead of their positions made it possible to develop a solution. Israel’s interest lay in security; they did not want Egyptian tanks poised on their border ready to roll across at any time. Egypt’s interest lay in sovereignty; the Sinai had been part of Egypt since the time of the Pharaohs.’ (Fisher and Ury, 1981, p. 41). By reframing the conflict in this way, a solution was reached. Egypt was given full sovereignty over the Sinai, but large portions of the area were demilitarized, which assured Israel’s security at the same time.”¹¹

Cons: The opponents of interest-based negotiation argue that it is too “soft.” Negotiations are a two part process of creating and claiming value, and interest-based strategies only focus on methods to create value. However, at the end of the day, the parties will need to claim a slice of the pie, and interest-based negotiation doesn’t offer methods for collaboratively distributing value. In addition, interest-based bargaining can complicate the process by bringing to the table interests that could hinder or entangle the negotiation process. Finally, if the negotiation is time-sensitive, interest-based negotiation may not lead to a visible solution fast enough.



erview.” *College of Business Administration, [p://www.iiasa.ac.at/Research/DAS/interne/](http://www.iiasa.ac.at/Research/DAS/interne/)*

Originally from Fisher and Ury , *Getting to*

n at Camp David’ as described in Getting University of Colorado, Boulder. Visited: le/fish5487.htm>

This chart was derived from a more complex chart in Fisher, Roger, William Ury, and Bruce Patton. (1991) *Getting to Yes: Negotiating Agreement Without Giving In*, Second Edition. New York: Penguin Books. p. 13.¹²

Principles for Interest-Based Bargaining

In their best-selling book, Getting to Yes, Roger Fisher and William Ury laid out four rules for effective negotiation¹³:

1. Separate the people from the problem
 - Resolve differences on perception
 - Acknowledge emotions, and to try to understand their source
 - Employ active listening to establish better communication
2. Focus on interests, not positions
 - Ask what and why. "Your position is something you have decided upon. Your interests are what caused you to so decide." [p. 42]
3. Invent options for mutual gain
4. Insist on objective criteria

In "Negotiations and Resolving Conflicts: An Overview,"¹⁴ Professor E. Wertheim expands on Fisher and Ury's principles:

1. Plan and have a concrete strategy: Be clear on what is important to you
 - What is the minimum I can accept to resolve the conflict?
 - What is the maximum I can ask for without appearing outrageous;
 - What is the maximum I can give away?
 - What is the least I can offer without appearing outrageous?
2. Separate people from the problem
 - A key part in finding common interests is the problem identification. It is important to define the problem in a way that is mutually acceptable to both sides. This involves depersonalizing the problem so as not to raise the defensiveness of the other person. Thus the student negotiating a problem with a professor is likely to be more effective by defining the problem as "I need to understand this material better" or "I don't understand this" rather than "You're not teaching the material very well."
3. Emphasize win-win solutions:
4. Focus on interests, not positions

¹² Spangler, Brad. "Integrative or Interest-Based Bargaining."

¹³ "Principled Negotiation." Conflict Research Consortium, University of Colorado, Boulder. Visited: August 2, 2010. <<http://www.colorado.edu/conflict/peace/treatment/pricneg.htm>>

¹⁴ Wertheim, E.

5. Create options for mutual gain
Generate a variety of possibilities before deciding what to do.
6. Aim for an outcome be based on some objective standard
7. Consider the other party's situation
8. Know your BATNA (Best Alternative to a Negotiated Alternative)
If the other person's alternatives to reaching an agreement with you are unattractive, you are in a better position.
9. Pay a lot of attention to the flow of negotiation
10. Take intangibles into account
Personalities, physical space, past interaction, time pressure.
11. Use active listening skills

Principles for Conflict Resolution

In his book, Understanding Conflict and War: Vol. 5: The Just Peace,¹⁵ R. J. Rummel lays out nine steps to resolve conflict:

1. Clarify the Conflict Situation
Uncover the underlying or hidden goals and beliefs. Look beneath the conflict. A dispute really may be about hidden, perhaps even unconscious, beliefs and values. Determine the facts, for often conflicts are generated by a misperception or misunderstanding of the facts involved.
Be sensitive to the other's position and perspective. See the conflict through his eyes. Resolving conflict is partially empathizing with the other, understanding his frame of reference, and sensing this reading of one's field of expression.
State the other's argument and demands. Miscommunication and misperception can play a large role in conflict. One way to reduce these problems is to seek mutual agreement on the issue, claims, and justifications.
2. Define a "Yesable" Interest
Peacemaking partially involves a party separating what they want the other to do from the conflict's self-assertive and emotional contents. To this end, phrase demands or requests so that the other can respond with a simple "yes" or "no." Focus on the decisions the other should make and clarify the outcome of these decisions. That is, what will happen if their answer is "yes"? Or "no"?
3. Invoke Overriding Interests
Shared loyalty to church, party, country, or cause.
4. Focus on an Exchange
Further resolution by (1) making attractive offers and (2) rewarding agreement.
5. Emphasize Legitimacy
The more one can establish some legitimate reason, explanation, or justification for the decision one wants the other to make in a conflict situation, the more likely one is to induce a "yes," not because he fears the consequences of a no, nor because he desires what is promised for a yes, but because he believes a yes is right.
6. Keep Issue and Power Proportional
Apply power *proportional* to the interests at stake. And apply power only as *relevant* to these interests.
7. Display Commitment
Strive for credibility: the basis of demands, requests, or offers should be believable; threats or promises clearly intended and performable. Protect one's reputation for power, and do not make demands, requests, or offers that question one's power.

¹⁵ Rummel, R. J. *Understanding Conflict and War: Vol. 5: The Just Peace*. Visited: August 2, 2010. <<http://www.mega.nu/ampp/rummel/tjp.chap10.htm>>

8. Consider Creating Distance
Creating distance in space from the other party and distance in time from a conflict can calm emotions and facilitate a more rational perspective on the issues.
9. Resist Aggression

Local Experts on Conflict Negotiation and Resolution

SAIS: <http://www.sais-jhu.edu/pressroom/experts/issue/conflict-resolution.htm>

1. Svante E. Cornell
2. Charles F. Doran
3. P. Terrence Hopmann
4. Winrich Kühne (Bologna Center)
5. Camille Pecastaing
6. Benjamin Reilly
7. I. William Zartman

USIP: <http://www.usip.org/programs/centers/center-mediation-and-conflict-resolution/specialists>

1. David R. Smock
2. Jonathan Temin
3. Lucy Kurtzer-Ellenbogen
4. Neil Kritz
5. Virginia M. Bouvier

Georgetown University: http://grad.georgetown.edu/pages/graduate_programs.cfm?dept_id=38&show=faculty