



# Negotiation

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When pursuing options for developing municipal cost-sharing agreements, the development of inter-municipal relationships is key to finding a successful solution. Municipalities involved in the development of cost-sharing agreements, must engage in dialogue that includes negotiation, and possibly, mediation, if negotiations are in difficulty.

The AAMD&C/AUMA Rural/Urban Cost-sharing Task Force Recommended the process of mutual gains negotiation as one possible approach to negotiation.

- [Mutual Gains Negotiation](#)
- [Mediation Handbook – Inter-municipal Dispute Resolution Initiative \(Alberta Municipal Affairs\)](#)

## **Mutual Gains Negotiation**

The objective of mutual gains negotiation is to ensure that all parties involved in the negotiations gain. Those involved seek to find as many different items/elements related to a potential solution as they can, they expand the pie. There is recognition that they will place different values on similar items, so that what one gains might not be experienced as a loss by the others. Recognizing that the parties will place different values on those elements, a package evolves which meets both parties' objectives.

Effective mutual gains negotiation requires that the parties gain a clear understanding of each other's interests (needs, hopes, fears, what is of importance, what I value), behind the positions (my unique solutions to issues) they have taken. This understanding allows them to piece together a variety of elements that address those interests into a final solution package.

## **The Negotiation Model**

### **Preparation**

- How ready are we?
- What are our options, our BATNA (Best Alternative To a Negotiated Agreement) our WATNA (Worst Alternative To a Negotiated Agreement)?
- Is council on side?
- Who should be our representative at the negotiating table?
- What are our issues and interests?
- Reflect on the issues and options of the other parties.
- Become familiar with mutual gains negotiation.
- Who will chair the negotiations? Do we need a third party to assist us?
- Is the other party ready?
- Convene the group.

### **Negotiation Protocol**

Jointly develop a negotiation protocol that deals with items such as:

- The time available to discuss the issue
- Rules of behaviour
- Use of proper etiquette when communicating
- Record keeping
- Listening for understanding
- Avoiding interruptions
- Involvement of media in discussions
- Determining the location of meetings, determining the meeting chair/facilitator for discussions
- Developing a clear statement of what it is being negotiated
- The negotiation protocol is signed by all of the participants.

### **Identify the issue and interests**

Identify the interests that underlie the issues and positions. It is important to get all the issues on the table and to refrain from passing judgment on or evaluating them as they are brought forward. If it is an issue for one of the parties, then it is an issue for all.

### **Once the issues are identified focus on Interests**

- It is in the interests that you will find the common ground.
- Ask, “Why is that important, what is important about that?” - you are constantly probing.
- Don’t put the others on the defensive by challenging their positions, instead probe to identify their interests.
- Share your own interests - frame them as interests and as not positions or solutions.
- Focus on the problem - be aggressive in dealing with it but be soft on the people.
- Be future oriented (yet don't forget that the past frames the way people see the problem now).

### **Establish common database**

Should information or data be needed the objective is to establish a database that is acceptable to all so that the data itself does not become a point of contention. Remember that the data must be:

- acceptable to all the parties
- credible scientifically and technically, and
- defensible

### **Develop options**

Develop a number of options; determine how these options meet the interests of all.

Consider the following when reality testing:

- Find some criteria that are independent of each party’s position.
- You are jointly seeking objective criteria, the standards and the procedures should be fair.
- Be open as to what appropriate standards might be. Discuss the merits -they should be time and place relevant, widely accepted, to the point.
- Yield only to principle, not pressure or manipulation. Use the standards as a sword to persuade and as a shield to protect.
- Look for ways to make the decision easy

### **Finalize and implement the package**

The package must clearly address and articulate the following five items:

What specifically is to be done?

Who will do it?

When will they do it by? and

How will they do it?

A dispute resolution process, what will happen if something goes awry in the implementation phase?