

The Seven Elements of Negotiation

1. **ALTERNATIVES.** These are the walk away alternatives which each party has if agreement is not reached. These are things that one party or another can do by self-help, without requiring the agreement of the other. In general, neither party should agree to something that is worse for that party than its “BATNA” – its Best Alternative Agreement.
2. **INTERESTS.** This is the word we use for what it is that somebody wants. Underlying the positions of the parties are their needs, their concern, their desires, their hopes and their fears. Other things being equal, an agreement is better to the extent that it meets the interests of the parties.
3. **OPTIONS.** We use this word to identify the full range of possibilities on which the parties might conceivably reach agreement. We refer to options “on the table” or which might be put on the table. “We might decide that you get the orange, that I get it, that we cut it in half, or we might decide that I can have the peel for baking and that you can have the fruit to eat. They are all options. We have not yet decided.” Generally speaking, an agreement is better if it is the best of many options:- if it could not be better for one party without being worse for another.
4. **LEGITIMACY.** Other things being equal, an agreement is better to the extent that each party considers it to be fair as measured by some external benchmark; some criterion or principle beyond the simple will of either party. Such external standards of fairness include international law, precedent, practice, or some principle such as reciprocity and most-favoured- nation treatment.
5. **RELATIONSHIP.** A negotiation has produced a better outcome to the extent that the parties have improved their ability to work together rather than damaged it. Most important negotiations are with people or institutions with whom we have negotiated before and will be negotiating again. Whatever else a relationship may involve, one crucial aspect is an ability to deal well with differences. One dimension of the quality of a negotiated outcome is the quality of the resulting working relationship: Are the parties better or worse able to deal with future differences? (Each element represents something desirable in a good outcome. There are likely to be trade-offs among them. Doing better on one may mean doing worse on another.)
6. **COMMUNICATION.** Other things being equal, an outcome will be better if it is reached efficiently without waste of time or effort. Efficient negotiation requires effective two-way communication.
7. **COMMITMENTS.** Commitments are oral or written statements about what a party will or won’t do. They may be made during the course of a negotiation or may be embodied in an agreement reached at the end of the negotiation. In general, an agreement will be better to the extent that the promises made have been well planned and well-crafted so that they will be practical, durable,, easily understood by those who are to carry them out, and verifiable if that is important.

The 7 Elements as a Checklist for Preparation

Alternatives

- ✓ What's our BATNA? What's theirs?
- ✓ Can we improve ours? Worsen theirs?

Interests

- ✓ What are ours? What are theirs?
- ✓ Are there other parties to consider?
- ✓ Which interests are shared, which are just different, and which conflict?

Options

- ✓ What are some possible agreements that might creatively satisfy both our interests?

Criteria (Legitimacy)

- ✓ What standards might international law suggests?
- ✓ What "ought" to govern an agreement?
- ✓ How can they justify the outcome to their constituents?

Commitments

- ✓ What is our authority? Theirs?
- ✓ What kind of commitment do we want at each stage of the negotiation process?
- ✓ Process agreement?
- ✓ Framework? Tentative? Final?
- ✓ What might a framework for an agreement look like?

Relationship

- ✓ What kind would we like to have?
- ✓ How can we improve the relationship without conceding on the substance?

Communication

- ✓ What information do we want to listen for?
- ✓ How can we show them they have been heard?
- ✓ What messages do we want left in their heads?
- ✓ What is our process strategy? What might we say to start off?