**Topic:** The Use of Principled Negotiation in the Settlement of Disputes  
Date: 1st March, 2016

**Part II Techniques for Better Negotiation: Findings from the Japan Negotiation Competition**

Better preparation

- Understand your company, the counterparty, the market, the negotiation
- Preparation using 7 elements:
  1. What is your company and your counterparty’s Batna?
     - Estimate your counter-party’s batna and interest
     - Check your estimation during the negotiation by posing effective questions and revise your estimation
  2. What is your company and your counterparty’s interest?
     - Understand your own interest by asking why
     - Consider the priorities between interests for comparison
  3. Communication
     - Prepare the opening
     - Prepare the list of questions
  4. Commitment
     - Write a draft contract
     - Contract need to be clear and specific: e.g. timing of payment
     - Details are important: e.g. the person who apologizes

- Substance, process and relationship
  1. Participants tend to focus too much on the substance of the negotiation. Evaluation sheet, however, list other important elements.
  2. How to start? How to create good atmosphere
  3. Persuasive statement with reasons (i.e. legitimate reason)
  4. The good balance of talking and listening (i.e. spend more time on asking rather than talking)
  5. Communication focusing on parties interests not positions
  6. Effort to create values by making use of the difference between parties
  7. Flexible and creative proposals
  8. Specific and realistic agreement
  9. Making a memorandum which reflects the agreement accurately
  10. Teamwork
- Negotiation process
  - Should know which kind of process should be made earlier
  - How to start
  - Agreement on process
  - Information exchange
  - Identify BANTA, interests and issues
  - Create options
  - Choose the best option
  - Clear commitment
  - Written agreement
  - Negotiation is similar to jazz: ad-lib, timing, challenging
  - Negotiation is similar to GO: strategic placing of pieces, birds’ eye-view

- You should avoid:
  - Try to control your counterparty, push your idea: autonomy, independence, and contribution are important elements
  - Too amicable, easy compromise:
    - say no when necessary and appropriate
    - make effort to maximize your interest
    - overestimation of the value of the relationship
  - Too formalistic: enjoy jazz and go
  - Too abstract, general and vague
  - Unrealistic commitment