BEYOND THE TABLE
Infrastructure Development in Kampala, Uganda

NEGOTIATION CASE SERIES
CASE OVERVIEW
CASE OVERVIEW

• What was going on in this case?
CONCEPT REVIEW: Interests

• An interest is “whatever you care about that is potentially at stake in the negotiation.” – Lax and Sebenius, *3-D Negotiation*

• “A position is likely to be concrete and explicit; the interests underlying it may well be unexpressed, intangible, and perhaps inconsistent.” – Fisher and Ury, *Getting to Yes*

• “It is difficult to immediately address interests in a negotiation because people adopt positional tendencies and because emotions can often conceal interests.” – Thompson, *The Mind and Heart of the Negotiator*
CONCEPT REVIEW: BATNA

• **Best Alternative To Negotiated Agreement**
  - Of all the possible alternatives you could take without coming to an agreement in this specific negotiation, which one is the best?

• “The reason you negotiate is to produce something better than the results you can obtain without negotiating.” – Fisher and Ury, *Getting to Yes*

• “A BATNA is not something that a negotiator wishes for; rather, it is determine by objective reality.” – Thompson, *The Mind and Heart of the Negotiator*
Working Groups: Parties and Interests
CASE CONCEPTS
Negotiation Scope and Sequence

In complex settings, an effective negotiator manages things happening “away-from-the-table,” including which issues are discussed, which stakeholders are engaged, and which negotiation moves happen in what order.

Lax and Sebenius call this “3-D negotiation,” which refers to the negotiation moves that setup the final deal.

In contrast, the first dimension includes interpersonal, at-the-table actions, and the second dimension includes designing value-creating deals.
Barriers to an Agreement

An effective negotiator anticipates all possible barriers related to the negotiation setup, deal design, and tactics before developing a negotiating strategy.

- **3-D barriers**: the wrong parties, interests, alternatives, process, or sequence of actions
- **2-D barriers**: lack of feasible deal options
- **1-D barriers**: poor communication

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<th>Focus</th>
<th>Common Barriers</th>
<th>Approach</th>
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<td>1-D Tactics</td>
<td>Interpersonal issues, poor communication, “hardball” attitudes</td>
<td>Act “at the table” to improve interpersonal processes and tactics</td>
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<td>2-D Deal design</td>
<td>Lack of feasible or desirable agreements</td>
<td>Go “back to the drawing board” to design deals that unlock value that lasts</td>
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<td>3-D Setup</td>
<td>Parties, issues, BATNAs, and other elements don’t support a viable process or valuable agreement</td>
<td>Make moves “away from the table” to create a more favorable scope and sequence</td>
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Adapted from 3-D Negotiation (Lax and Sebenius)
KAMPALA, UGANDA
Working Groups: Barriers
What opportunities existed to address these barriers when Tumusiime joined KCCA?
Actions Taken

What negotiation moves did Tumusiime make away-from-the-table (third dimension)?

What moves did she make in the second and first dimensions?
Working Groups: What’s Next?

Was it the right time for Tumusiime to pursue a second loan from the World Bank?

If no, what should she have done next and for what reason?
TAKEAWAYS
Takeaways

• Thinking strategically about the phases of negotiation—specifically scope and sequence—can help practitioners prepare differently in order to obtain a better outcome.

• Negotiation is more than interpersonal tactics and at-the-table moments. Effective negotiators consider additional elements away-from-the-table that inform their strategy, strengthen alternatives, and improve deal options.

• A barriers audit and analysis will inform the strategy going into a negotiation, especially as related to the scope and sequence.