

# Negotiations and Resolving Conflicts: An Overview

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In a successful negotiation, everyone wins. The objective should be agreement, not victory.

Every desire that demands satisfaction and every need to be met-is at least potentially an occasion for negotiation; whenever people exchange ideas with the intention of changing relationships, whenever they confer for agreement, they are negotiating.

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## Introduction

(Suggestion: This guide will be easier to follow if you think about a specific negotiation or conflict situation you have recently been involved in.)

In the course of a week, we are all involved in numerous situations that need to be dealt with through negotiation; this occurs at work, at home, and at recreation. A conflict or negotiation situation is one in which there is a conflict of interests or what one wants isn't necessarily what the other wants and where both sides prefer to search for solutions, rather than giving in or breaking-off contact.

Few of us enjoy dealing with with conflicts-either with bosses, peers, subordinates, friends, or strangers. This is particularly true when the conflict becomes hostile and when strong feelings become involved. Resolving conflict can be mentally exhausting and emotionally draining.

But it is important to realize that conflict that requires resolution is neither good nor bad. There can be positive and negative outcomes as seen in the box below. It can be destructive but can also play a productive role for you personally and for your relationships-both personal and professional. The important point is to manage the conflict, not to suppress conflict and not to let conflict escalate out of control. Many of us seek to avoid conflict when it arises but there are many times when we should use conflict as a critical aspect of creativity and motivation.

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Potential Positive Outcomes of Conflict	Potential Negative Outcomes of Conflict
<ul style="list-style-type: none"><li>• can motivate us to try harder-to "win"</li><li>• can increase commitment, enhance group loyalty</li><li>• increased clarity about the problem</li><li>• can lead to innovative breakthroughs and new approaches</li><li>• conflict can clarify underlying problems, facilitate change</li><li>• can focus attention on basic issues and lead to solution</li><li>• increased energy level; making visible key values</li><li>• involvement in conflict can sharpen our approaches to bargaining, influencing, competing</li></ul>	<ul style="list-style-type: none"><li>• can lead to anger, avoidance, sniping, shouting, frustration, fear of failure, sense of personal inadequacy</li><li>• withholding of critical information</li><li>• lower productivity from wasteful conflict</li><li>• careers can be sidetracked; relationships ruined</li><li>• disrupted patterns of work</li><li>• consume huge amount of time-loss of productivity</li></ul>

You will be constantly negotiating and resolving conflict throughout all of your professional and personal life. Given that organizations are becoming less hierarchical, less based on positional authority, less based on clear boundaries of responsibility and authority, it is likely that conflict will be an even greater component of organizations in the future. Studies have shown that negotiation skills are among the most significant determinants of career success. While negotiation is an art form to some degree, there are specific techniques that anyone can learn. Understanding these techniques and developing your skills will be a critical component of your career success and personal success.

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## Major Causes of Conflict

**Opposing interests (or what we think are opposing interests)** are at the core of most conflicts. In a modern complex society, we confront these situations many times a day. The modern organization adds a whole new group of potential causes of conflict that are already present:

- competition over scarce resources, time
- ambiguity over responsibility and authority:

- differences in perceptions, work styles, attitudes, communication problems, individual differences
- increasing interdependence as boundaries between individuals and groups become increasingly blurred
- reward systems: we work in situations with complex and often contradictory incentive systems
- differentiation: division of labor which is the basis for any organization causes people and groups to see situations differently and have different goals
- equity vs. equality: continuous tension exists between equity (the belief that we should be rewarded relative to our relative contributions) and equality (belief that everyone should receive the same or similar outcomes).

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## The Five Modes of Responding to Conflict

It is useful to categorize the various responses we have to conflict in terms of two dimensions:

1. how important or unimportant it is to satisfy our needs and
2. how important or unimportant it is to satisfy the other person's needs.

Answering these questions results in the following five modes of conflict resolution. None of these is "right" or "wrong". There are situations where any would be appropriate. For example, if we are cut off driving to work, we may decide "avoidance" is the best option. Other times "avoidance" may be a poor alternative. Similarly, collaboration may be appropriate sometimes but not at other times.

### Competition: Distributive (win-lose) bargaining

Satisfying your needs is important; satisfying the other's needs isn't important to you

### Collaboration: Integrative (win-win)

Satisfying both your needs and the other's needs is important

### Compromising:

Satisfying both your needs and the other's are moderately important

### Avoiding:

you are indifferent about satisfying either your needs or the other's needs: no action is likely

### Accommodating:

simply yield (it doesn't matter to you and it matters to the other person)

In general, most successful negotiators start off assuming **collaborative (integrative)** or win-win negotiation. Most good negotiators will try for a win-win or aim at a situation where both sides feel they won. Negotiations tend to go much better if both sides perceive they are in a win-win situation or both sides approach the negotiation wanting to "create value" or satisfy both their own needs and the other's needs.

We will focus on the two most problematic types: **Collaborative** (integrative) and **Competitive** (Distributive).

Of the two the more important is **Collaborative** since most of your negotiation and conflict resolution in your personal and professional life will (or should) be of this nature. This is because most negotiation involves situations where we want or need an on-going relationship with the other person. While it is important to develop skills in "competitive" bargaining (eg. when buying a car), or skills that allow us to satisfy our concerns while ignoring the other's goals, this approach has many negative consequences for both

our personal lives and for our professional careers especially if we are to have an on-going relationship with the other person..

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*The key to successful negotiation is to shift the situation to a "win-win" even if it looks like a "win-lose" situation. Almost all negotiation have at least some elements of win-win. Successful negotiations often depend on finding the win-win aspects in any situation. Only shift to a win-lose mode if all else fails.*

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### Reducing Conflict that Already Exists

Organizations also take steps to reduce conflict. The following list suggests some of these ways:

- physical separation
- hierarchy (the boss decides)
- bureaucratic approaches (rules, procedures)
- integrators and third-party intervention
- negotiation
- rotating members
- interdependent tasks and superordinate goals ("We are all in this together...")
- intergroup and interpersonal training

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## Rational vs. the Emotional Components of Negotiation

All negotiations involve two levels: a **rational decision making** (substantive) process and a **psychological** (emotional) process. The outcome of a negotiation is as likely to be a result of the psychological elements as it is the rational element. In most cases, the failure of two people to reach the "optimal" resolution or best alternative stems from intangible factors such as:

### Psychological Factors that will affect negotiations

- how comfortable each feels about conflict
- how each perceives or mis-perceives the other
- the assumptions each makes about the other and the problem
- the attitudes and expectations about the other
- the decisions each makes about trust, about how important "winning" is, how important it is to avoid conflict, how much one likes or dislikes the other; how important it is to "not look foolish."

Understanding the "rational" part of the negotiation is relatively easy. Understanding the "psychological" part is more difficult. We need to understand ourselves and our opponents psychologically. Failure to understand these psychological needs and issues is at the root of most unsuccessful negotiations.

This is made more difficult because norms in most organizations discourage open expression of negative personal feelings. Thus intense emotional onflicts are often expressed and rationalized as substnative issues. People often drum up disagreements on trivial issues to provide justification for an emotional conflict with another individual (Ware and Barnes).

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## Basic Issues in Conflict Management

- what are the personal and organizational consequences of the conflict
- what are the behavioral patterns that characterize the conflict
- substantive issues vs. emotional issues
- apparent underlying and background conditions leading to the conflict

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## The Two Most Important Kinds of Bargaining: Distributive (win-lose) vs. Integrative (win-win)

All bargaining situations can be divided into two categories:

### **Distributive (also called competitive, zero sum, win-lose or claiming value).**

In this kind of bargaining, one side "wins" and one side "loses." In this situation there are fixed resources to be divided so that the more one gets, the less the other gets. In this situation, one person's interests oppose the others. In many "buying" situations, the more the other person gets of your money, the less you have left. The dominant concern in this type of bargaining is usually maximizing one's own interests. Dominant strategies in this mode include manipulation, forcing, and withholding information. This version is also called "claiming value" since the goal in this type of situation is to increase your own value and decrease your opponent's.

### **Integrative (collaborative, win-win or creating value).**

In this kind of bargaining, there is a variable amount of resources to be divided and both sides can "win." The dominant concern here is to maximize joint outcomes. An example is resolving a different opinion about where you and a friend want to go to dinner. Another example is a performance appraisal situation with a subordinate or resolving a situation of a subordinate who keeps coming in late to work. Dominant strategies in this mode include cooperation, sharing information, and mutual problem solving. This type is also called "creating value" since the goal here is to have both sides leave the negotiating feeling they had greater value than before.

It needs to be emphasized that many situations contain elements of **both distributive and integrative bargaining**. For example, in negotiating a price with a customer, to some degree your interests oppose the customer (you want a higher price; he wants a lower one) but to some degree you want your interests to coincide (you want both your customer and you to satisfy both of your interests-you want to be happy; you want your customer to be happy). The options can be seen in the table below:

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## Integrative or Win-Win Bargaining: The Critical Points

- Plan and have a **concrete strategy**: Be clear on what is important to you
- Separate **people** from the problem
- Emphasize **win-win** solutions:
- Focus on **interests**, not positions
- **Create Options** for Mutual Gain: Generate a variety of possibilities before deciding what to do

- Aim for an outcome be based on some **objective standard**
- Consider the other party's **situation**:
- Know your **BATNA** (Best Alternative to a Negotiated Alternative)
- Pay a lot of attention to the **flow** of negotiation
- Take the **Intangibles** into account
- Use **Active Listening Skills**

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Do some thinking ahead of time:

## Planning for the Negotiation

Before the negotiation it is helpful to plan. Know whether you are in a win-win or win-lose situation.

Be sure of your goals, positions, and underlying interests. Try to figure out the best resolution you can expect, what is a fair and reasonable deal and what is a minimally acceptable deal. What information do you have and what do you need. What are your competitive advantages and disadvantages. What is the other's advantages and disadvantages. Give some thought to your strategy.

It is very important to be clear on what is important to you. Be clear about your real goals and real issues and try to figure out the other person's real goals and issues. Too many negotiations fail because people are so worried about being taken advantage of that they forget their needs. People who lose track of their own goals will break off negotiations even if they have achieved their needs because they become more concerned with whether the other side "won."

It is helpful to have a min-max strategy. Have a "walk-away" position. When entering a negotiation or conflict resolution, make sure you have already thought about answers to these questions: **Planning for the negotiation: The min-max approach**

1. What is the minimum I can accept to resolve the conflict?
2. What is the maximum I can ask for without appearing outrageous;
3. What is the maximum I can give away?
4. What is the least I can offer without appearing outrageous?
5. Try to predict the answers the other person will have to these questions

It is important to know your competitive advantage-your strongest points. Also you need to know the advantages to the other's argument. Similarly, know your weaknesses and the other's weaknesses.

In most conflict resolution or negotiation situations you will have a continuing relationship with the other person so it is important to leave the situation with both sides feeling they have "won." It is very important that the other person doesn't feel that he or she "lost." When the other person loses, the results are often lack of commitment to the agreement or even worse, retaliation. *The most common failure is the failure of negotiating parties to recognize (or search for) the integrative potential in a negotiating problem ; beneath hardened positions are often common or shared interests.*

## Separate people from the problem

Address problems, not personalities: Avoid the tendency to attack your opponent personally; if the other person feels threatened, he defends his self-esteem and makes attacking the real problem more difficult; separate the people issues from the problem

Maintain a rational, goal oriented frame of mind: if your opponent attacks you personally, don't let him hook you into an emotional reaction; let the other blow off steam without taking it personally; try to understand the problem behind the aggression

### **Emphasize win-win solutions:**

Even in what appears to be win-lose situations, there are often win-win solutions; look for an integrative solution; create additional alternatives, such as low cost concessions that might have high value to the other person; frame options in terms of the other person's interests; look for alternatives that allow your opponent to declare victory

### **Find underlying interests**

A key to success is finding the "integrative" issues--often they can be found in underlying interests.

We are used to identifying our own interests, but a critical element in negotiation is to come to understanding the other person's underlying interests and underlying needs. With probing and exchanging information we can find the commonalities between us and minimize the differences that seem to be evident. Understanding these interests is the key to "integrative bargaining." The biggest source of failure in negotiation is the failure to see the "integrative" element of most negotiation. Too often we think a situation is win-lose when it is actually a win-win situation. This mistaken view causes us to often use the wrong strategy. Consider a situation where your boss rates you lower on a performance appraisal than you think you deserve. We often tend to see this as win-lose-either he/she gives in or I give in. There is probably a much higher chance of a successful negotiation if you can turn this to a win-win negotiation.

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."

### **Use an Objective Standard**

Try to have the result be based on some objective standard. Make your negotiated decision based on principles and results, not emotions or pressure; try to find objective criteria that both parties can use to evaluate alternatives; don't succumb to emotional pleas, assertiveness, or stubbornness

### **Try to understand the other person: Know his/her situation**

Often we tend to focus on our needs, our goals, and our positions. To successfully resolve conflict, it is important to focus also on the other person. We need to figure out what the other's goals, needs, and positions are as well as their underlying interests. We need to think about the personality of the other person, how far we can push, how open or concealed we should make our positions.

Acquire as much information about the other's interests and goals; what are the real needs vs. wants; what constituencies must he or she appease? What is her strategy? Be prepared to frame solutions in terms of her interests.

An important part of this is to recognize that people place very different values on issues than ourselves. For example, a clean room may be much more important to you than it is to your roommate. We must understand how the other person sees reality, not just how we see reality.

If through pressure, deception or sheer aggressiveness, we push people to the point where they see themselves as likely to lose, this creates problems. The opponent will retaliate and fight back; losers often

lose commitment to their bargain. Also negotiators get reputations that can backfire. Remember that settlements which are most satisfactory and durable are the ones that address the needs of both parties.

## **Know Your Best Alternative**

Try to explore the other side's BATNA and certainly be aware of your own. See if you can change the other person's BATNA. If the other person's BATNA is poor (the alternatives to reaching an agreement with you are unattractive), you are in a better position.

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Paying Attention to the Flow of Negotiation:

## **Negotiation is a sequence of events**

There is a tendency to think about conflict or the negotiating situation as an isolated incident. It is probably more useful to think about conflict as a process, or a complex series of events over time involving both external factors and internal social and psychological factors. Conflict episodes typically are affected by preceding and in turn produce results and outcomes that affect the conflict dynamics.

A negotiation usually involves a number of steps including the exchange of proposals and counter proposals. In good-faith negotiation, both sides are expected to make offers and concessions. Your goal here is not only to try to solve the problem, but to gain information- information that will enable you to get a clearer notion of what the true issues might be and how your "opponent" sees reality. Through offers and counter offers there should be a goal of a lot of information exchange that might yield a common definition of the problem.

Such an approach suggests the importance of perception-conflict is in the eye of the beholder. Thus, situations which to an outside observer should produce conflict may not if the parties either ignore or choose to ignore the conflict situation. Conversely, people can perceive a conflict situation when in reality there is none.

Next, once aware of the conflict, both parties experience emotional reactions to it and think about it in various ways. These emotions and thoughts are crucial to the course of the developing conflict. For example, a negotiation can be greatly affected if people react in anger perhaps resulting from past conflict.

Then based on the thoughts and emotions that arise in the process of conflict resolution, we formulate specific intentions about the strategies we will use in the negotiation. These may be quite general (eg. plan to use a cooperative approach) or quite specific (eg. use a specific negotiating tactic).

Finally, these intentions are translated into behavior. These behaviors in turn elicit some response from the other person and the process recycles.

This approach suggests we pay particular attention to these generalizations:

- Conflict is an ongoing process that occurs against a backdrop of continuing relationships and events;
- Such conflict involves the thoughts, perceptions, memories, and emotions of the people involved; these must be considered.
- Negotiations are like a chess match; have a strategy; anticipate how the other will respond; how strong is your position, and situation; how important is the issue; how important will it be to stick to a hardened position.
- Begin with a positive approach: Try to establish rapport and mutual trust before starting; try for a small concession early



- Pay little attention to initial offers: these are points of departure; they tend to be extreme and idealistic; focus on the other person's interests and your own goals and principles, while you generate other possibilities

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The Intangibles:

## Other Elements that affect negotiation

Intangibles are often the key factors in many negotiations. Some of these intangibles are:

- **Personalities:** be conscious of aspects of your personality such of your own needs and interpersonal style as well as the other person's personality; these factors will play a key role and understanding yourself will be an important factor
- **Your own personality and style:** how much you trust the person; how free with your emotions; how much you want to conceal or reveal;
- **Physical space:** sometimes where the negotiation takes place can be important; are we negotiating in a space we are uncomfortable and other is comfortable?
- **Past interaction:** if there is a history of conflict resolution with this person, think about how this history might affect the upcoming negotiation
- **Time pressure:** Think about whether time pressure will affect the negotiation and whether you need to try to change this variable?
- **Subjective utilities:** be aware that people place very different values on elements of a negotiation. For example, in negotiating for a job, you may place a high value on location and relatively lower on salary; it is important to be aware of your subjective utilities and try to ascertain the other person's subjective utilities; it is difficult to know in advance or even during the negotiation what a particular outcome will mean to the other party. Finding out what is "valued" is one of the key parts of negotiation.
- **Understand the Context for the Conflict**
  - what are the important personal and organizational consequences of the conflict? What are possible future consequences?
  - What behavior patterns characterize the conflict
  - What are the substantive issues? Are the issues biased by each side's perceptions and feelings?
  - What are the underlying or background factors that have lead to the situation and the related feelings, perceptions, and behaviors?

## Be an active Listener:

Good communication skills are critical although it is easy to forget them in the "heat of battle." Try to separate the problem from the person. Focus on the problem (eg. "this accounting concept is unclear to me") not the person (eg. "you did a lousy job explaining this"). When we tie the person to the problem, the other person gets defensive and communication tends to become very difficult.

**Don't:** Talk at the other side, focus on the past, blame the other person. **Do:** Be an "active listener.

This involves continuously checking to see if you are understanding the other person. Restate the other's position to make sure you are hearing him or her correctly. Focus on the future; talk about what is to be done; tackle the problem jointly.

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## **How can I change what seems like a "win-lose" situation to a "win-win" (or what if the other person doesn't play by these rules?)**

There are many advantages to trying to shift a win/lose situation to a win/win. Yet we will be in situations where the other person either doesn't wish to reach a "win-win" or doesn't realize it is in his or her best interest to achieve a collaborative solution. In these situations it is necessary for us to open lines of communication, increasing trust and cooperativeness.

Sometimes conflicts escalate, the atmosphere becomes charged with anger, frustration, resentment, mistrust, hostility, and a sense of futility. Communication channels close down or are used to criticize and blame the other. We focus on our next assault. The original issues become blurred and ill-defined and new issues are added as the conflict becomes personalized. Even if one side is willing to make concessions often hostility prevents agreements. In such a conflict, perceived differences become magnified, each side gets locked into their initial positions and each side resorts to lies, threats, distortions, and other attempts to force the other party to comply with demands.

It is not easy to shift this situation to a win-win but the following lists some techniques that you might use:

- reduce tension through humor, let the other "vent," acknowledge the other's views, listen actively, make a small concession as a signal of good faith
- increase the accuracy of communication; listen hard in the middle of conflict; rephrase the other's comments to make sure you hear them; mirror the other's views
- control issues: search for ways to slice the large issue into smaller pieces; depersonalize the conflict--separate the issues from the people
- establish commonalities: since conflict tends to magnify perceived differences and minimize similarities, look for greater common goals (we are in this together); find a common enemy; focus on what you have in common
- focus less on your position and more on a clear understanding of the other's needs and figure out ways to move toward them
- make a "yesable" proposal; refine their demand; reformulate; repackage; sweeten the offer; emphasize the positives
- find a legitimate or objective criteria to evaluate the solution (eg. the blue book value of a car)

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### **Some Tricks that Skilled Negotiators Use**

We constantly trade-off in negotiations. An examples is when a union negotiation trades wage gains for job security. An important ingredient of negotiation is assessing the trade-offs. In general, we start by identifying the best and worst possible outcomes, and then specify possible increments that trade-offs can reflect, and finally, consider how the increments relate to the key issues.

If we pursue "integrative bargaining," we try to create gains for both parties. An example is offering something less valuable to us but more valuable to the other person (eg., the other person may highly value payment in cash rather than through financing whereas we may be indifferent to this). The following are ways of creating joint gains.

**When to reveal your position:** This depends on the other person. It is not a good idea to reveal your minimum position if the other person needs to feel he has worked hard to reach it; the other person may need to feel he or she has worked very hard to move you to your position.

**Case from a workshop on negotiation:**

*We had to sell a training program to Sue, a former member of our law firm. We knew she needed to purchase a program and she also held a grudge against our firm. Mary heaped abuse on us. I wanted to punch her, but Chuck (my partner) just smiled and began applying some standard negotiating principles.*

*First, he identified our interests as the selling of a program at a decent price and the maintenance of a good relationship with Mary and her law firm (focus on interests, not positions). Next, he completely ignored Mary's obnoxious personality (separate people from problems). And he offered to sell Mary only the latest program, with a price break for a quick sale (options for mutual gain).*

*But his most effective technique was the "jujitsu." When the other side pushes, don't push back. When they attack, don't counterattack; rethink their attack as an attack on mutual problems. Two tools are used--ask questions instead of making statements, and respond with prolonged silence in the face of unreason. Chuck used them both, and we completed the sale and got a better price than we had hoped for. Other Techniques you can use*

- **Broadening the Pie:** Create additional resources so that both sides can obtain their major goals
- **Nonspecific Compensation:** One side gets what it wants and the other is compensated on another issue
- **Logrolling** Each party makes concessions on low-priority issues in exchange for concessions on issues that it values more highly
- **Cost Cutting:** one party gets what it wants; the costs to the other are reduced or eliminated
- **Bridging :** Neither party gets its initial demands but a new option that satisfies the major interests of both sides are developed

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**What if I want "to win" and I don't care about the other person's interests (Distributive or win-lose Bargaining)**

In this situation, strategy is different than in integrative bargaining. In this mode, one seeks to gain advantage through concealing information, misleading, or using manipulative actions. Of course, these methods have serious potential for negative

consequences. Yet even in this type of negotiation, both sides must feel that at the end the outcome was the best that they could achieve and that it is worth accepting and supporting.

Most critical in this mode is to set one's own opening target and resistance points and to learn what the other's starting points, target points, and resistance points are. Typically, the resistance point (the point beyond which a party will not go) is usually unknown until late in negotiation and is often jealously concealed by the other party. This is what you need to find out.

The range between resistance points is typically the bargaining range; if this number is negative, successful negotiation is usually impossible. For example, if you are willing to pay up to \$3,000 and the seller is willing to go as low as \$2800, there is a \$200 positive spread or bargaining range if the negotiators are skillful enough to figure it out. The goal of a competitive bargaining situation is to get the final settlement to be as close to the other party's resistance point as possible. The basic techniques open to the negotiator to accomplish this include

- influence the other person's belief in what is possible (eg. a car dealer telling you what your used car is worth)
- learn as much as possible about the other person's position especially with regard to resistance points
- try to convince the other to change his/her mind about their ability to achieve their own goals
- promote your own objectives as desirable, necessary, ethical, or even inevitable.

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### **Is it ethical to "lie or bluff" in negotiations?**

The answer to this question depends on one's values, one's culture, and the situation. What might be acceptable in poker would probably not be acceptable in most business situations. What might be acceptable in Cairo might not be acceptable in Boston. Different cultures and different situations contain inherent "rules" about the degree to which bluffing or misrepresentation is deemed acceptable.

In poker and in general negotiations one is not expected to reveal strength or intentions prematurely. But discretion in making claims and statements should not be confused with misrepresentation. In general, in our culture, our "rules" forbid and should penalize outright lying, false claims, bribing an opponent, stealing secrets, or threatening an opponent. While there may be a fine line between legitimate and illegitimate withholding of facts, there is a line and again we are distinguishing between the careful planning of when and how to reveal facts vs. outright lying.

Bluffing, while it may be ethical, does entail risk. The bluffer who is called loses credibility and it can get out of hand. Also remember, that most negotiations are carried out with people with whom you will have a continuing relationship. Again, while our

culture supports and encourages those who are careful about how and when to disclose facts, our culture does not condone outright lying.

An old British Diplomat Service manual stated the following and it still might be useful.

Nothing may be said which is not true, but it is as unnecessary as it is sometimes undesirable to say everything relevant which is true; and the facts given may be arranged in any convenient order. The perfect reply to an embarrassing question is one that is brief, appears to answer the question completely (if challenged it can be proved to be accurate in every word), gives no opening for awkward follow-up questions, and discloses really nothing.

Skilled negotiators develop techniques to do this. A favorite one is to answer a question with a question to deflect the first question.

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Final Advice

Be unconditionally constructive. Approach a negotiation with this-- 'I accept you as an equal negotiating partner; I respect your right to differ; I will be receptive.' Some criticize my approach as being too soft. But negotiating by these principles is a sign of strength.

R. Fisher and R. Ury, "Getting to Yes"

All of us engage in many negotiations during a week but that doesn't mean we become better at it. To become better we need to become aware of the structure and dynamics of negotiation and we need to think systematically, objectively, and critically about our own negotiations. After engaging in a negotiation, reflect on what happened and figure out what you did effectively and what you need to do better.

There is no one "best" style; each of us has to find a style that is comfortable for us. Yet, everyone can negotiate successfully; everyone can reach agreements where all sides feel at least some of their needs have been satisfied. This involves a lot of alertness, active listening, good communication skills, great flexibility, good preparation, and above all it involves a sharing of responsibility for solving the problem, not a view that this is "their" problem.

To summarize the most important keys to successful conflict resolution:

- bargain over interests, not predetermined positions
- de-personalize the problem (separate the person from the problem)
- separate the problem definition from the search for solutions
- try to generate alternative solutions; try to use objective criteria as much as possible
- reflect on your negotiations; learn from your successes and mistakes

Have unlimited patience. Never corner an opponent and always assist the other person to save his face. Put yourself in his shoes-so as to see things through his eyes. Avoid self-righteousness like the devil-nothing is so self-blinding.

B. H. Liddell Hart, historian

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## Appendix 1: Some Types of Negotiators

### **the aggressive**

opener negotiator unsettle the other side by making cutting remarks about their previous performance, unreasonableness, or anything that can imply the opponent is worth little

### **the long pauser**

listen to the other side but don't answer immediately; appear to give it considerable thought with long silences; hope the silence will get the other side to reveal information you need

### **the mocking negotiator**

mock and sneer your opposition's proposals to get the other side so upset that they will say something they may regret later

### **the interrogator**

meet all proposals with searching questions that will imply the opponents haven't done their homework; challenge any answers in a confronting manner and ask the opposition to explain further what they mean

### **the cloak of reasonableness**

appear to be reasonable while making impossible demands for the purpose of winning the friendship and confidence of the others

### **divide and conquer**

produce dissension among opposition so they have to pay more attention to their own internal disagreements rather than the disagreements with the opposition; ally with one member of the team and try to play him or her off against the other members of the team.

### **the "act dumb" negotiator**

pretend to be particularly dense and by doing so exasperate the opposition in hopes that at least one member of the opposing team will reveal information as he tries to find

increasingly simple ways to describe proposals with each proposal being elaborated and amplified so anyone can understand it

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## Appendix 2: Three Styles: Soft, Hard, and Principled Negotiation

Soft	Hard	Principled
friends goals: agreement make concessions be soft on people and problems trust others change position easily make offers disclose bottom line accept one sided loss search for acceptable answer insist on agreement try to avoid contest of wills yield to pressure	adversaries victory demand concessions be hard on problem and people distrust others dig in make threats mislead demand one sided gain search for one answer you will accept insist on your position try to win context of wills apply pressure	problem solvers wise outcome separate people from problem be soft on people, hard on problems proceed independent of trust focus on interests not positions explore interests avoid having bottom line invent options for mutual gain develop multiple options insist on objective criteria try to reach result based on standards yield to principle not pressure

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## Dealing with Difficult People

### Hostile Aggressive

- Stand up for yourself; use self-assertive language
- give them time to run down.....avoid a direct confrontation

### Complainers

- Listen attentively; acknowledge their feelings; avoid complaining with them
- state the facts without apology.....use a problem solving mode

### Claims:

- keep asking open ended questions; be patient in waiting for a response
- if no response occurs, tell them what you plan to do, because no discussion has taken place



## **Superaggreables:**

- In a non-threatening manner, work hard to find out why they will not take action
- Let them know you value them as people
- Be ready to compromise and negotiate, and don't allow them to make unrealistic commitments
- Try to discern the hidden meaning in their humor

## **Negativists:**

- Do not be dragged into their despair.....Do not try to cajole them out of their negativism
- Discuss the problems thoroughly, without offering solutions
- When alternatives are discussed, bring up the negatives yourself
- Be ready to take action alone, without their agreement

## **Know-it-Alls**

- Bulldozers: Prepare yourself; listen and paraphrase their main points; question to raise problems
- Balloons: state facts or opinions as your own perception of reality; find a way for balloons to save face; confront in private

## **Indecisive Stallers**

- Raise the issue of why they are hesitant...Possibly remove the staller from the situation
- If you are the problem, ask for help.....Keep the action steps in your own hands

*(from Coping with Difficult People, R. M. Bramson, Doubleday, 1981)*

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## **Some Principles of Third Person Mediation**

- Acknowledge that you know the conflict exists and propose an approach for resolving it
- Try to maintain a neutral position regarding the people in the dispute
- Make sure the discussion focuses on issues, not on personalities
- Try to get the people to focus on areas where they might agree
- Try to separate the issues and deal with them one at the time, starting with those where agreement might be easiest
- You are not a judge, but rather a facilitator; Judges deal with problems; you deal with solutions-your focus is not on who is right and who is wrong
- Make sure people agree on the solutions that are agreed upon

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## from Negotiation to Win

If your approach is a win-lose or distributive bargaining approach, you might prefer these ideas:

### The Critical Rules

- no free gifts; trade every concession; use the big IF
- start high, make small concessions, especially in the end; try to have the other side make the first offer on the issues being negotiated
- be patient; remember to nibble at the end
- keep looking for creative concessions to trade

### The Important but Obvious Rules

- do your homework; start slowly; set a complete agenda
- keep the climate positive; discuss small things first
- remember that everything is negotiable
- never accept their first offer; settle everything at the end
- leave the other side feeling it has done well
- consider using the good guy-bad guy approach
- try to have the other

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## Krunchlist

This is a brief list and I encourage you to add your own suggestions:

### Sweet gentle krunches

- Where do we go from here...what are we really talking about here...What can we do about this? This doesn't work for us.
- I've got a problem with this; Where can you help me cut this; That really isn't what I expected; I know we can do better
- Take another look at the numbers; Budgets are tight; That would be really tough for us
- I hope we have room to negotiate; Can we talk; Work with me on this...

### Middle of the Road Krunches

- You've got to do better on this; That's not acceptable; I'm a bit disappointed in your offer; You're too expensive
- Run that by me again; I can't afford that; That won't do; Pass, No sale; That's a pretty big bite

- Be reasonable; I don't think we're communicating
- You're not giving me anything on this; That doesn't turn me on; Perhaps we have a misunderstanding here
- I'm looking for a much better number; They'll never buy that; We're still not there; No can do;
- You're not speaking my language; It'll never fly; How much???? What???

### **Regional and Ethnic Krunches**

- (heard in NYC) Talk to me; You're bustin my chops; I can't hear you; You're killin me; Do you want my children to starve
- (in the South) Say what?? There's not enough juice in that for us; That's not a big enough work; That bug won't boil; That dog won't hunt/pig won't fly; you're in the right church but the wrong pew; we're within huggin distance, but we're not ready to kiss yet; which end of the horse do you think you're talking to?

### **More aggressive krunches**

- Ouch; Yeah right; Time out; That's below my cost; Do you want my business or what; You want me to lose my job
- No way; I thought we were friends; I'm not a tourist, I live here; We're not the Salvation Army; We must have a bad connection
- What's your real offer; that really hurts; I don't want the gold plating; Would you like my arm and leg too; Gimme a break
- You're not even close; I've got a family to feed; The decimal point must be off; I love your humor; Be serious
- At that price, we can't even talk; You're gonna kill us; You're really squeezing me; Where's the fat
- What's the bottom line-is that your target or bottom line

### **Inflammatory krunches (be sure to smile)**

- You're insulting my intelligence; I was born at night, not last night
- Over my dead body; Who do you think you are; Do you have a bridge you'd like to sell me
- Is that in dollars or pesos? Are we in Oz; Is this April Fools Day
- You ought to be in comedy; 50,000 comedians out of work and you're trying to be funny
- Go ahead and shoot me; Go ahead and call 911; Get outta here; Go rub a lamp
- Is it on loan from a museum; You're dreaming; Is this a negotiation or a burial
- (for a job offer) I didn't know it was part-time
- When donkeys fly; what planet are you from; My mama didn't raise no fool
- Not in my lifetime; you call that an offer; Did you drink your lunch; I thought I had a drinking problem
- What are you smoking; did you take your medication; let's wait til your 'ludes wear off
- Don't let the door slam on the way out; Have a nice flight home

- That's your competition in the lobby

## Nonverbal krunches

- feigned heart attack, choking, rolling eyes, looking at ceiling
- caucus; pulling necktie over head (noose)

## Responses to krunches

- make me an offer; what are you looking for; what could you live with; what do you need
- do you have a figure in mind; give me a number; what's your budget; what is fair
- What is the problem; what were you thinking about
- If you were in my shoes, what would you do

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## Evaluating Your Negotiation Skills

**Negotiation Exercise:** \_\_\_\_\_ **My Name** \_\_\_\_\_ **Partner** *Fill this out after the interaction/negotiation; you are encouraged to discuss your critique directly with your partner. You can learn a lot from each other.*

What are your **key impressions** of the other person:

What **techniques** did the other person use in dealing with the conflict/negotiation

In the interaction, did you..... win, lose, deadlock, both win, both lose?

**rank from 1 (not true at all) to 5 (Very true)**

The negotiation was very effective \_\_\_

I left the negotiation satisfied \_\_\_

My "opponent" was easy to understand \_\_\_

She/he made me feel comfortable \_\_\_

She/he listened well \_\_\_

She/he was credible \_\_\_

He/she created a cooperative climate \_\_\_

What style of interaction was used: (tell and sell, tell and listen, problem solving)

*Rank the other person (your "opponent") on these variables:*

Cooperative      1 2 3 4 5      Competitive

Judgmental      1 2 3 4 5      Empathetic

Controlling      1 2 3 4 5      Problem Oriented

Supportive      1 2 3 4 5      Defensive

Comfortable      1 2 3 4 5      Suspicious

Cautious      1 2 3 4 5      Open/trusting

Credible	1	2	3	4	5	not credible
listened	1	2	3	4	5	Tuned out
Honest	1	2	3	4	5	Dishonest
Interested in me	1	2	3	4	5	Not interested
Easy to understand	1	2	3	4	5	Hard to understand

**Look at these Overall Guidelines for Effective Negotiation** and rank how well you did (5=excellent); rank your "opponent"

### **Me Opponent**

#### **--- --- Consider the other party's situation:**

acquire as much information about the other's interests and goals; what are the real needs vs. wants; what constituencies must he or she appease? What is her strategy? Be prepared to frame solutions in terms of her interests.

#### **--- --- Have a concrete strategy:**

Negotiations are like a chess match; have a strategy; anticipate how the other will respond; how strong is your position, and situation; how important is the issue; how important will it be to stick to a hardened position.

#### **--- --- Begin with a positive approach:**

Try to establish rapport and mutual trust before starting; try for a small concession early.

#### **--- --- Address problems, not personalities:**

Avoid the tendency to attack your opponent personally; if the other person feels threatened, he defends his self-esteem and makes attacking the real problem more difficult; separate the people issues from the problem

#### **--- --- Maintain a rational, goal oriented frame of mind:**

if your opponent attacks you personally, don't let him hook you into an emotional reaction; let the other blow off steam without taking it personally; try to understand the problem behind the aggression.

#### **--- --- Pay little attention to initial offers:**

these are points of departure; they tend to be extreme and idealistic; focus on the other person's interests and your own goals and principles, while you generate other possibilities.

#### **--- --- Emphasize win-win solutions:**

Even in what appears to be win-lose situations, there are often win-win solutions; look for an integrative solution; create additional alternatives, such as low cost concessions that might have high value to the other person; frame options in terms of the other person's interests; look for alternatives that allow your opponent to declare victory

#### **--- --- Insist on using objective criteria:**

Make your negotiated decision based on principles and results, not emotions or pressure;

try to find objective criteria that both parties can use to evaluate alternatives; don't succumb to emotional please, assertiveness, or stubbornness

(on the back) What **specific suggestions** can you give the other person to help him or her be more effective in negotiations.

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