

## **CHECKLIST 14 - NEGOTIATING**

### **Achieving Equitable Outcomes**

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#### **OPENING REFLECTIONS**

*'We cannot stop having emotions any more than we can stop having thoughts. The challenge is learning to stimulate helpful emotions in those with whom we negotiate - and in ourselves.'*

Roger Fisher & Daniel Shapiro

Successful negotiation means agreeing a solution where both parties feel content that there has been a fair balance between what they and the other party have achieved and conceded and feel satisfied with the outcome. Any situation where one of the parties feels that the outcome has resulted in an uneven balance and that he or she has been taken advantage of, is however likely to invoke feelings of resentment and possibly thoughts of retribution in future dealings. So thinking about emotional impact by considering your own and others' feelings at every stage of the negotiation process and dealing with these appropriately means that you are more likely not only to achieve an outcome that is acceptable to both parties, but that you are more likely to have more productive future transactions.

Negotiation starts with studying intentions, reflecting on priorities and preparing a case; and ends with agreement and implementation. And depending on the complexity and detail of the negotiations, the central phases of the discussion process of proposing and bargaining will be repeated a number of times during the process. The following checklist incorporates emotionally intelligent thinking and action relevant to the entire negotiation process.

#### **1. STUDY INTENTIONS**

##### **a) Consider own and others' intentions and emotions**

Reflect on what you would like to achieve, your underlying emotions relating to this, plus your understanding of what the other/s are seeking to achieve and their emotions.

##### **b) Aim for 'Win-Win'**

Ensure your intention is to aim for a 'Win-Win' negotiation outcome where both parties feel satisfied with the result, or at the very least, an

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acceptable agreement between you. As far as possible, also seek the other parties' position on their intended outcome.

#### **2. REFLECT ON PRIORITIES**

##### **a) Clarify objectives and identify priorities**

Clarify your objectives, identifying priorities between those things you *need* to achieve and those you would *like* to achieve.

##### **b) Consider own concessions**

Consider what concessions you might make and what you would want in return.

##### **c) Calculate others' objectives, priorities and concessions**

Calculate as far the other person/people's objectives, priorities and potential concession points, plus their likely feelings relating to these.

#### **3. PREPARE YOUR CASE**

##### **a) Identify knowledge and information requirements**

Consider the knowledge and information you need, ensuring its accuracy and adequacy - and cost the options.

##### **b) Consider your supporting factors and settlement point**

Contemplate the factors that support your case, the strength of your feelings relating to each of these and the likely settlement point you will reach.

##### **c) Anticipate others' factors and settlement point**

Estimate as far as possible the factors that support the other person/people's case, the strength of their feelings relating to these and their perceived settlement point.

##### **d) Decide information to disclose**

Decide what information you need from the other party/parties and what you are going to disclose. Accepting that you need to distinguish between various levels/importance of information and that there may be some that is best *not* disclosed, a key factor of trusted and valued relationships relies on openness and honesty from both parties. So deliberately keeping information hidden that you *could* have disclosed may well come out at a later date and rebound on future negotiations as well as with other aspects of your working relationship.

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**e) Determine your minimum fall back position**

Determine your minimum fall back position and concession strategy, along with the emotions associated with this. Careful consideration of the importance of the relationship and your fall back position as far as this is concerned is also helpful at the negotiation planning stage.

**f) Anticipate others' minimum fall back position**

Anticipate the other party's minimum fall back position and concession strategy along with the emotions associated with this.

**g) Reflect on strategy and tactics**

Reflect on the strategy and tactics to use that will demonstrate emotional awareness, understanding and integrity throughout negotiation communications.

**h) Consider negotiation events**

Consider timing and location of meetings and other events in the bargaining process, plus the likely time frame for achieving agreement and implementation.

**i) Reflect on failure scenario**

Take into account the potential scenario in the event of failure to conclude agreement.

## **4. NEGOTIATION DISCUSSIONS**

**a) Clarify purpose is achieving equitable outcomes**

Open with clarifying the purpose of your negotiations, emphasising that an outcome is sought of mutual gain that is acceptable to all.

**b) Ensure clarity of discussion points**

Throughout negotiation debate, seek information, test assumptions and ensure clarity of discussion points by asking questions and confirming understanding - communicating a summary of your understanding back to the other party as appropriate.

**c) Listen mindfully**

Listen mindfully to points being made without interruption, ensuring your body language indicates your attention throughout the discussion. (Refer to Checklist 12 – Listening Mindfully)

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**d) Observe body language**

Observe others' body language, watching for signals to assess the other party's feelings about key issues and likely concessions by recognising where there is and isn't flexibility.

**e) Start sensibly**

Start with a sensible opening negotiating point, since too unrealistic a suggestion is likely to meet with instant rejection and negative feelings associated with this.

**f) Investigate and contest**

Investigate and contest the other party's position in a non-threatening way, recognising their feelings about this and without destroying their ability to move. Listen mindfully.

**g) Use 'behaviour labelling'**

To draw the attention of the other party and slow down the pace of negotiations, especially if the debate is becoming animated, it can be helpful to introduce the type of behaviour you are about to use. For instance, instead of just asking (say) '*What is the unit cost?*' precede this with '*Can I ask you a question?*', or, instead of just making a proposal, begin by saying '*Can I make a suggestion?*' Introducing your behaviour in this way also means they are more likely to listen by signifying you are not trying to coerce the other party into agreement.

**h) Use suggestion expressions**

To help maintain an atmosphere conducive to productive negotiations, use words and expressions that suggest rather than direct, e.g.: '*you could consider*', '*an alternative might be to.....*', being careful to avoid directive terms such as '*should*', '*must*', '*have to*', '*ought to*' etc.

**i) Question, clarify and summarise before options**

When you get to make a specific proposal, follow the sequence of question, clarify and summarise; then put forward an option. Respond to options put forward to you with a considered counter proposal.

**j) Limit to important back up points only**

Use a limited number of *important* points only to back up your proposal, thereby avoiding weaker points that have limited validity and invite rebuttal.

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#### **k) Narrow bargaining gaps**

Narrow bargaining gaps by looking for concessions, explaining constraints and the wider context and by clarifying outcomes that would be unacceptable.

#### **l) Avoid value loaded expressions**

Avoid value loaded expressions that imply while you are being reasonable, others are being unreasonable.

#### **m) 'Give and take'**

Move towards settlement by a '*give and take*' approach, conceding points in return for concessions, ensuring that these are agreed before specific offers are made, all the while retaining awareness and understanding of emotional impact.

### **5. AGREEMENT AND IMPLEMENTATION**

#### **a) Summarise agreed action points**

Once agreement is reached, summarise agreed action points, checking understanding and writing down what you have agreed, along with an action plan. Include timing, individual and collective responsibility for action points, and any other implementation details.

#### **b) Support ongoing relationships**

Emphasise the importance of productive relationships, expressing this in context with your ongoing association and any future dealings.

#### **c) Implement agreements**

Implement agreements by taking action as stipulated, ensuring relevant communication to all concerned.

### **CLOSING REFLECTIONS**

Good negotiation means that you trade the things which cost you little but which the other person values in exchange for those things which are valuable to you, but are of less value for them to concede. Going into any negotiation situation with emotional integrity and with the intention of achieving mutually beneficial outcomes is the best way forward. This is not always the case however, and negotiation discussions can become fraught with the potential for major disagreements with aggressive expressions of anger and high emotional impact for both parties. Retracting destructive comments in order to try and build relationships once the damage has

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been done, is much difficult than avoiding them in the first place. If for any reason the discussion does get overheated, taking reflection time out prior to reconvening negotiations is the best tactic.

[References to points made in Roger Fisher & William Ury's '*Getting to Yes*' and in Terry Lunn's '*How clever negotiators get their way*' - Sunday Times 21.1.1990, are included in this checklist.]