



NEGOTIATION MANAGEMENT

Many people feel uneasy about negotiating. They are disturbed by the difficulties that they face when they try to reach agreements: it often takes too much time and causes too much stress. They are at a loss when they try to cope with the emotional aspects in negotiations. They fear that their negotiation might fail and even when they reach an agreement, they often suspect that „they could have gotten more“.

Content vs. process

In order to overcome such difficulties, it is essential to distinguish between the negotiation content and the negotiation process. The content relates to the substantive issues which are to be addressed and resolved during the negotiation. The process relates to the way the parties behave with one another and to the kind of negotiating which results out of it – a key point being that the way the parties negotiate together usually reflects the quality of their relationship and, at the same time, influences its evolution. As a matter of fact, *how* the parties negotiate together explains the results, the quality and the efficiency of a negotiation at least as much as *what* they are negotiating about.

Dealing simultaneously with both substance ("what") and process ("how") is a challenge. Very often, negotiators tend to focus most of their attention on the substance, thereby neglecting to take care of the process, which consequently suffers. The purpose of the negotiation management method which we have developed is to help the parties prepare and follow a good process almost automatically - in order for them to be able to deal with the substance in the best possible way.

This method is described hereafter:

Guiding principles

- The parties prepare themselves in the same way for the negotiation (i.e.: by using the same preparation checklist).
- The "thread" of the negotiation itself is the same as the one that was already followed for its preparation.
- This "thread" guides the parties through the steps of an optimal negotiation process (the parties may of course decide to follow a different thread; but if they decide to do so, they do it consciously):
 - Negotiate the organisation of the negotiation / Take good care of the working relationship

- Clarify the respective perceptions and points of view
- Explore the underlying interests of all parties involved
- Jointly develop options to create mutual gains
- etc.
- Visualization is used extensively during the negotiation.

Our approach to improve negotiating

PREPARATION PHASE

We encourage the parties to use the same preparation checklist – i.e.: to ask themselves the same questions prior to the negotiation, which is likely to increase considerably the efficiency of their discussions during the negotiation.

NEGOTIATION PHASE

For the negotiation itself, we look for a suitable room – i.e.: a room which is large enough (as a rule of thumb: 5 m² per person) and in which people feel well thanks to its interior design and immediate surroundings (building, landscape, etc.).

We make sure that the conversation between the parties is structured in a way which corresponds to the steps of an optimal negotiation process. As a matter of fact, our experience shows that some logical sequences need to be taken into consideration:

- The parties must organize and structure their conversation; if this is not done first, it will almost impossible to address efficiently the issues which need to be resolved. It is like driving a car in an unknown country: you need to study the map and select the route (what we call: negotiating the architecture of the negotiation) before getting under way.
- Relationship and in particular working relationship issues need to be addressed first; if they are left unresolved, making progress in dealing with issues of substance will be extremely difficult.
- It is impossible to resolve a problem in a way which is acceptable for both parties without identifying first their underlying interests.
- etc.

As a matter of principle, we encourage the parties to openly exchange their views and ideas. To support such an open communication process, we make sure that their thoughts are being visualized during the entire negotiation – either by capturing and summarizing them ourselves on a flipchart for instance, or by asking the parties to write them down on facilitation cards.

Not only do we suggest that the parties follow during the negotiation the same "thread" which they already followed during the preparation; we bring this thread to the fore in two different ways.

First, we propose an agenda which is not merely a list of topics to be dealt with, but which also reflects the steps of an optimal negotiation process.

Second, once the thoughts of the parties have been captured on flipcharts or facilitation cards, we display and "store" them on different pin-walls which are each dedicated to one particular stage of the negotiation process and designated as such:

- the list of issues to be dealt with and the ground rules are stored on the pin-wall "Organisation of the negotiation / Ground rules";
- the inventory of the underlying interests which the result of the negotiation should allow the parties to fulfill is stored on the pin-wall "Interests";
- the options which might be considered are stored on the pin-wall "Options";
- etc.

What has been mentioned discussed and decided thus remains constantly visible and exploitable. Ideas and thoughts which have been expressed earlier on often prove to be useful at a later stage of the negotiation. For example, after having listed their respective interests, the parties can classify them (common / conflicting / just different); they can then come back to this classification and ask themselves how they could create mutual gains based upon their common interests.

By proceeding according to this method, the parties are able to deal thoroughly with the issues of substance which need to be addressed *and* to take good care of the negotiation process at the same time.

This method may appear exceedingly structured or rigid. However, the following points should be taken into account:

- A structured approach is essential in order to guarantee a good process. Lack of structure often leads to chaos.
- The process can of course be modified, but it is essential that the parties do it consciously. To go from A to B, you may choose another route than the one recommended on a road map; traveling without a road map at all, however, is risky.

The parties can either manage the negotiation themselves or ask a negotiation manager to do it for them.

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