

Ensuring Negotiation Failure

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ARE YOU UNINTENTIONALLY SABOTAGING YOUR OWN EFFORTS TO NEGOTIATE SUCCESSFULLY? In our years of teaching negotiation seminars, we have heard stories of success, but just as frequently, have been besieged with tales of bitter failure. What went wrong? In this issue we take a humorous look at negotiation failure to show you what successful negotiators do **not** do. We hope our lists of don'ts and dos will help you identify what you are doing right and what to remove from your arsenal of negotiation skills - forever. We hope this edition will help you launch 2006 with better solutions to your negotiation dilemmas.

--Sandy and Ira Asherman

The Golden Rules of Negotiation Failure

By Ira and Sandy

If you want to be successful, make every effort to avoid what we like to call the Golden Rules of Negotiation Failure:

The first tenet of the unsuccessful negotiator is **NEVER PLAN**. Planning will only make you aware of your real objectives and needs and may restrict your spontaneity during the negotiation. Remember, you want to "go with the flow". "see how things play out," and "ensure that you are flexible."

The second essential to remember is **NEGOTIATION IS A HOSTILE, ADVERSARIAL PROCESS**. Do not believe for a minute that your opponent (and make sure to call him or her "opponent" at least once) is interested in mutual problem solving. He or she is out to get you for everything possible so you have to get him/her first! Clarify as early as possible why your answer is the right one and make sure to reinforce the importance of your position.

The GOLDEN FAILURE Mindset

We believe that many people enter the negotiation process believing their solution is the best solution and that they are right. As a result, they fail to take the time to understand the other person's point of view and spend more time talking and not listening.

GET THE BEST DEAL FOR YOU. Do not worry about the long-term implications or whether or not they will even be able to live up to their commitments. If there is a problem with a vendor - sue; if it is a co-worker just go to their boss.

DO ALL THE TALKING so that you keep the negotiation focused on you and your concerns.

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Golden Rules (continued)

Doing all the talking also ensures that you will be in control. If the other person does talk, **DON'T LISTEN**. Pretend that he or she has not mentioned anything of consequence. Focus only on what is important to you. It is your needs and interests that count.

It is better **NOT TO CLARIFY THE AGENDA** before the serious problem solving begins. This will give you the freedom to throw in new issues whenever you want (to ensure mutual confusion). In addition, it will allow you to raise issues they do not expect and are not prepared to deal with. You will surprise them and ensure you have the advantage.

DO NOT CLARIFY YOUR AUTHORITY!

Wait until you need a way out and then you can say, "Gee, I don't have the authority to give you what you want. I'll have to get back to management." Then take as much time, as you need—plus a little extra.

USE PUT DOWNS AND THREATS during the negotiation. This will put the other person on the defensive and create a hostile climate that will serve to limit open discussion between the two of you. This will allow you to stay in control. The more limited the conversation, the greater the possibility you will get your deal.

NEVER PUT ANYTHING IN WRITING!

Don't ever put agreements in writing. Then you can always claim you forgot and won't have to carry out your part of the bargain. This will also ensure that there will be confusion and misunderstanding and an opportunity to negotiate again. This is particularly beneficial if you are not comfortable with the deal and think you might want to get out of it at a later date.

WITHHOLD INFORMATION. Do not tell what you are really thinking. Only share that which is critical and about which you have no option but to share. You will maintain ultimate control and get the deal you want.

MOVE QUICKLY TO COMPROMISE and be sure to split the difference. Remember the quicker you get to compromise, the quicker you have a deal - maybe not the best deal, but a deal nonetheless. The rush to compromise serves to ensure that the other party does not find a creative answer - only an answer.

Conclusion

No one likes to fail, especially when the stakes are high. Do yourself a favor - lose the attitude and take stock of your negotiation methods and assumptions. If any resemble those from the list above, it may be a good time to try some thing new. ■

Getting it Right

The following is a quick checklist of what you should do to get the right deal and not just any deal:

Plan—Spend the time necessary to clarify your objectives, needs, interests, and settlement options, as well as those of the other person. Meet with your significant other - be it your boss, spouse or co-worker, to ensure they are in agreement with you.

Mutual Gains—When approached correctly, the negotiation process can lead to deals that work for both parties. Trust is the key. Ask yourself, are you behaving in ways that will promote trust between you and the other party? It's important to share information, be open about your concerns and allow the other person time to share theirs.

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Getting it Right (continued)

Clarify the issues—Make sure you know exactly the questions that need to be answered. Use e-mail to clarify the agenda prior to sitting down with the other party. Allow enough time for both of you to prepare.

Consider other perspectives—Most people come to the negotiating table believing they are right. If you want to find creative answers, it is important to understand why the other person believes as they do. Only by understanding their point of view can you find an answer that works for both of you.

Listen—The temptation is to talk and talk. You will do a lot better if you talk less and listen to what the other person has to say. Encourage her/his participation and ask questions to make sure you are clear as to what they are saying. Only by actively listening will you understand why they believe they are right.

Be sensitive to cultural and language differences—People from different cultures who speak different languages bring a diversity of perspectives and presumptions about how to interact and what to expect from a work relationship. If your colleagues grew up speaking a language different from your own, use simple sentences and frequently summarize to ensure mutual understanding.

Put it in writing—When you finish, put it in writing. Keep it brief, but be clear about the terms of the agreement. Remember, you are not preparing a legal document.

If we are to be successful, we need to understand the other party's position and the reasons for their position before we can form a solution that will work for both sides. ■

Website Update

The number of books and articles on negotiation is bigger than ever. Even our bibliography of books and articles seems to get longer every month.

To help you get some perspective on this growing body of work, we decided to add an informal rating system to our bibliography. Our favorite books and articles now bear a red star and a brief description. We call them **Sandy and Ira's Favorites** and they are linked directly to Amazon to make buying them easier. . We hope this information will help you make a better choice the next time you are looking for materials on negotiation.

Recent Articles

Ira's most recent articles, "Language, Culture and the Drug Development Process," published in *DIA Forum*, June and October 2005, and "Management Training in the Multi-Cultural Work Force," published in the December 2004 issue of *The Regulatory Affairs Focus* are available for downloading from our website, <http://www.asherman.com> ■

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