

The Most Serious Errors Made by Negotiators: Twenty-Five to Consider

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Introduction

Negotiator errors come in various sizes and with varying consequences. They occur for various reasons. While this list is not exhaustive, it represents the more serious mistakes that might be made in almost any type of negotiations, by almost any negotiator. Mediators and arbitrators are also included in what is presented.

The perfect negotiator probably does not exist. All make mistakes from time to time. The real effort should be expended in trying to avoid the potentially negotiation-ending or career-ending errors. Please feel free to adapt what is presented to your personal / professional negotiation situation.

The Errors

- Error Number One: *Choosing the wrong negotiator for the specific negotiations.*
- Error Number Two: *Not understanding the type of situation to be negotiated.*
- Error Number Three: *Timing the negotiations incorrectly.*
- Error Number Four: *Not making meaningful contact with the other party.*
- Error Number Five: *Failing to use appropriate intelligence intelligently.*
- Error Number Six: *Failure to keep all parties focused on problem solving.*
- Error Number Seven: *Not recognizing the strengths and weaknesses of the other side.*
- Error Number Eight: *Not understanding the mind-set of the other party.*
- Error Number Nine: *Avoiding safety issues.*
- Error Number Ten: *Negotiating without sufficient time.*
- Error Number Eleven: *Not knowing when to walk away from the negotiations.*
- Error Number Twelve: *Negotiating without understanding your prime objective.*
- Error Number Thirteen: *Failure to understand the interests of the other side.*
- Error Number Fourteen: *Not appreciating the validity of an argument.*
- Error Number Fifteen: *Having no sense of alternatives to negotiations.*
- Error Number Sixteen: *Failure to understand the nature of the relationships between the parties.*
- Error Number Seventeen: *Utilizing ineffective communication skills.*
- Error Number Eighteen: *Proceeding without knowing the willingness and ability of the parties to make and abide by their commitments.*
- Error Number Nineteen: *Entering negotiations without considering options.*
- Error Number Twenty: *Approaching negotiations without first analyzing the perspectives of all parties to the bargaining.*

- Error Number Twenty-one: *Taking the attitude of “winner-take-all” and “loser-takes-nothing.”*
- Error Number Twenty-two: *Adding information to the negotiations, or doing something during negotiations, “for what it’s worth.”*
- Error Number Twenty-three: *Failure to practice negotiation skills.*
- Error Number Twenty-four: *Treating the negotiations as an individual endeavor rather than a team process.*
- Error Number Twenty-five: Failure to remember and to avoid the other twenty-four errors.

Charting the Errors and How to Fix Them

ERROR #	HOW TO FIX THE ERROR – SOME SUGGESTIONS
1	Negotiators should be prepared to negotiate each dispute, and recognize that they may not be successful with every dispute. The skills of one negotiator may be better suited for a particular situation and not for another. Prepare your team with multiple skills and with multiple negotiators. Use them where they are most effective. Co-mediation and co-arbitration may be useful in these situations.
2	Prior to entering negotiations, take time to understand the specifics presented to you. The more you know, the better.
3	Evaluating when to negotiate and when not to negotiate takes some skill. Certain issues may become relevant at a particular time and not at others. What you say at a particular time or in a particular way may have a greater impact if timed properly based on what you observe happening in the negotiations. Bargaining may not be possible without establishing rapport first. Negotiation is not a single process. It is a multi-stage involvement.
4	Negotiators must convey a sense of seriousness and of interest in the process and in the other side. It must appear as though you care about what is going on. This must be demonstrated throughout the process for it to be effective.
5	Do your homework. Gather as much information as you can about the other parties to the negotiations. Intelligence information must be used intelligently if it is to have the desired effect on preparations, planning and delivery. Generally, information is power if gathered and utilized effectively.
6	Focus, focus, focus. It is easy to get off-track. And, sometimes you will. Move the negotiations back to the mode of problem solving. Negotiations revolve around some sort of dispute. The goal is to solve the problem and resolve the dispute. Enlist the other side’s help in solving problems. Listen to what they say.
7	Negotiations and bargaining do not happen in a vacuum. Each party brings to the table both strengths and weaknesses. Understand theirs. Understand yours. This should be a continuous evaluative process. Don’t underestimate either side.

8	What is the other side experiencing? How do they see negotiations? What problems and issues do they bring to the table? What is their intention? Are there impending latent problems? Are there hidden agendas that must be uncovered? Pay attention to mind-set and try to understand it.
9	This is a big one. Most non-police or non-military negotiators see safety as a secondary issue. It is not. Safety issues can arise in all venues. And, a breach in safety only has to happen one time to ruin the bargaining and perhaps your own security.
10	It takes time to bargain effectively. Arrange for the time you need. Otherwise consider not entering the process until the needed time is available. Try to resolve pressures that you know will affect your time allotment prior to starting the negotiations. Do not succumb to time pressures from anyone, not even your boss.
11	Before entering negotiations, and based on the best information you have about your side and the other, what is the best you can do short of a negotiated settlement ? How will this ultimately serve your needs? What is available to you and what are you willing to do if you cannot reach a settlement? Resolving a dispute by other than negotiations is not a failure.
12	The objectives may change. Understand what the objective is for you and for the other side. Is the objective life; money; power; other. Your objective may not be the same as the other parties to the process. Knowing both yours and theirs can be crucial to outcome.
13	Generally, we will be aware of our interests in negotiating a dispute. Not taking time to attempt to evaluate the interests of the other side could sabotage our efforts. Most of the time, the other party will be more interested in achieving their interests than yours. If you can convey to them that you are also interested in helping them achieve their interests, you may be much more effective in getting both accomplished. Consider that all parties to the negotiations may be able to satisfy their interests. Find a way to make that happen. It will require some work and some imagination.
14	Just because the other side poses an argument, that does not make it invalid. And, just because you pose an argument, does not automatically make it valid. A legitimate argument must be recognized when it occurs regardless of the origin. Being able to do this affects your credibility and the credibility of the other side.
15	Plan your alternative to negotiations before entering the process. Reevaluate these alternatives continually. Do not be caught in a non-negotiable situation without a viable alternative to what you are attempting. Alternatives are what you do instead of negotiations. They represent your plan when you are away from the negotiating table.
16	Some relationships may have to survive the negotiations; others will not have this need. Also, the relationship between the parties on the other side may be important to understand when doing strategic planning. Additionally, how important is the relationship likely to be between you and the other side when negotiations are concluded. Plan accordingly.

17	This is an important one but not an easy one. Most negotiators think that they are good communicators. Most do not practice these skills. Probably more mistakes are made in this area than in any other. Review the skills and practice them over and over again. The key to successful negotiations will always be effective communications regardless of the forum. Role-play what is to be said, either before or during actual bargaining. Talking, listening, hearing, responding, and all the rest are acquired skills that cannot be underestimated. Above all else, heed this.
18	Always know who the decision-makers are before getting too involved in the process. Evaluate responses to small agreements before entering into big ones. Always know with whom you are doing business. Try to do business only with those who can enter into an agreement should one be reached.
19	Options are what you do at the table during negotiations. They are similar to arrows in a quiver. If you are hunting with only one arrow, you better be 100% all of the time. Few of us are. Always know where you will find your next arrow if the current one fails. Opt for options and keep your quiver full.
20	Negotiations do not happen by accident. Disputes arise for a reason. People submit to negotiations for many and varied reasons. Not all of the reasons are consistent with a positive outcome. Some are designed to achieve hidden agendas. In our attempts to be of help, we may lose valuable time and ground by being blindsided because we have not done our homework or have not been good observers.
21	Traditionally, many have been taught this approach. We are told that the purpose of negotiations is to take all we can and that the other side's needs and interests are unimportant. Success may be achieved better and quicker if the conveyed goal is for both parties to the dispute to come away with what they need to the greatest extent possible. Note that the issue is "need" and is not "want." Careful analysis of the real issues and needs may reveal how this can be accomplished. If you do not look for it, you probably will not find it.
22	"For what it's worth" is worthless. Just do not do it. Have a reason for everything that you make part of the negotiation process. Adding material "for what it's worth" injects unconsidered variables that may adversely affect the process. Always have a reason to make an insertion. You may not always be correct; however, at least you have attempted to think through the information and to decide on its relevance and helpfulness.
23	Practice, practice, practice. Practice individual skills. Practice team skills as a team.
24	Everyone understands that two heads are better than one. Imagine the power of a team when properly deployed and utilized to resolve a dispute. Teamwork is the key to success in bargaining. All members of the team support the efforts of the primary negotiator. All have input to the process. A team wins together and loses together.
25	Pay close attention to the possible errors. The success of your next encounter may well depend on it. Post event critiques should be open and honest attempts to understand and to correct any of the errors made. Even successful events should be critiqued for errors and for recommended improvements.

Figure 1. Errors made by negotiators and what to do about them.

Epilogue

It is hoped that readers will take the “errors” seriously and strive to either correct them or to avoid them. They occur because we make assumptions, fail to acquire and practice skills, or just because we have never taken the time to think about them. Do not let this happen to you. The above have happened to some negotiator, somewhere and at sometime. They are very real and require real attention if we are to be successful. As my longtime friend and colleague, Dr. Edward S. Rosenbluh, once reminded me: “If we are to be helpful, we must always be effective.” Avoiding these errors will increase our effectiveness.

Suggested Related Resources

Fisher, R, Ury, W.L. and Patton, B. (2003). *Getting to yes: Negotiating agreement without giving in*. New York: Penguin Books.

Greenstone, J.L. and Leviton, S.C.(2002). *The elements of crisis intervention: Crises and how to respond to them, Second Edition*. Pacific Grove, California: Brooks / Cole.

Greenstone, J.L. (2005). *The elements of police hostage and crisis negotiations: Critical incidents and how to respond to them*. Binghamton, New York, The Haworth Press.

Leviton, S.C. and Greenstone, J.L.(1997). *Elements of mediation*. Pacific Grove, California: Brooks / Cole.



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