

Negotiation Theory and Practice

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Introduction

In this article, the author will discuss how to use negotiation skills to overcome interpersonal challenges and find creative ways to solve problems between the government and the residents. This article will also discuss questions such as how to build a bridge in a relationship and maintain long-term friendships with others. This article will provide cooperation suggestions for people to help them reach their goal effectively and to foster a cooperative atmosphere that will lead to joint problem-solving. As the book Getting Past No says, an effective negotiator will “build a golden bridge” (Ury, 1993, p. 109) across the differences between the two parties. This can be done by understanding the other side’s interests and offering a proposal that addresses these interests. Additionally, this article will help people to be more responsive to the needs of the other parties in a negotiation to therefore facilitate collaboration and re-frame the issue as an opportunity.

1. Negotiation in the Workplace

The author has found some constant conflicts between the local government and residents about government acquisitions of land and resettlement of the displaced people. According to the general land management regulations of a city, land compensation and resettlement fees could not exceed the regulated price for government land requisition. Negotiation process should not impose unacceptable risks on the other parties. If stakeholders do not accept the power distance, they may organize protests which will undermine the agreement. Some of the problems created by power distance can be addressed by setting realistic expectations and creating clear guidelines for participation. This requires careful information-gathering, which means that before negotiating, people should communicate with the public in order to understand the stakeholders and their needs.

2. Building Bridges for Conflict Resolution

Focusing on creative ideas to solve problems is essential. People could have made the negotiations smoother if they have a deeper understanding of residents' concerns. To gain more knowledge of the residents, the government negotiation team has to visit locals or organize forums where they could express their views while visiting them. They could also have information about the government policies in order to design a plan that would be accepted by the residents. Though their chief concern was receiving adequate compensation for their property, they also wanted to make sure that after they relocated, they would have stable employment, nearby schools for their children, and access to health care.

The interests of the local government were improving the overall economic development of the city and the living conditions of civilians. Some residents refuse to relocate. In this case, if people were faced with a similar negotiation, they can find ways to increase residents' acceptance by meeting with them, providing them with information about government policies, and addressing their concerns for the future. Failing to share enough information with people did not “build a bridge” during negotiations, which is unacceptable. Also, if the government wanted to convince the residents, they needed to patiently explain to them how the government proposals would improve their lives.

Residents who were affected by government development plans often complained that money from the government could not adequately compensate them for the loss of their land. Their land was a source of income and a way of life for their entire family. For example, a 54-year-old resident named Li said that, “Three of my family members depend on my 2,000 square meters of land for agricultural production. We have our vegetables and grains to eat.” Residents argued that if the government took over their farms, they would not be able to find other employment because they had little education.

Residents also argued that the educational and power disparity made it difficult for them to reach a fair agreement with government representatives. Based on this case, the government has to consider ways to increase acceptance by applying negotiation strategies to meet the interests of all parties and to minimize the chances that groups will form to oppose the results of their negotiation (Docherty, 2005). For example, the government can provide the residents with adequate compensation for their land by choosing an appropriate appraisal method. The government can also strengthen the training and supervision of staff who manage the compensation given to owners of the expropriated land.

3. Distributive Justice

When participating in a similar negotiation between local authorities and landowners in the future, people can take other steps to enhance the outcome of this negotiation and to negotiate strategically in unstable settings. By emphasizing the importance of understanding the stability of the negotiating environment at the beginning of the negotiation is essential. This should be done instead of giving advice to the government and focusing solely on quickly solving the issues without discussions with all of the parties. The lack of consultation undermines the possibility for agreement with other parties and can lead to an unstable environment. In this situation, although the local government seemed to have good plans, the limited consultations in the process could cause instability and make implementation difficult. As people gain their negotiation skills, they will understand the major issue in the negotiation process, which is the parties' perceptions of what is fair or just, and how to allow outcomes to be distributed equally. This may require that the more powerful party make concessions to increase the likelihood that a settlement will endure. "The durability of the negotiated agreement was strongly related to distributive justice. All the parties perceived the agreement itself as 'fair' in the way that each party gave or received something in the outcome" (Lewicki et al., 2016, p.215).

Considering proposals that will appeal to the residents, such as increasing the resettlement assistance allowance and crop compensation is essential. The government should provide people with more information about their construction proposals, and explain to them that they would be moving to new houses, which had been built in order to withstand natural disasters such as earthquakes. Also, setting ground rules and establishing timelines will protect the rights and interests of both parties during a negotiation process for improving the likelihood of a successful negotiation and a durable settlement between the local government and residents. More contact with the residents would help people understand the point of view of residents and avoid conflicts. The residents' strong objections to the government's policy are likely to create instability and undermine the success of the agreement. When the government is involved in negotiations with residents, the local government needs to disclose the fair market price of the land to residents and give them compensation which is close to this price. Also, they could invite an objective third party to supervise and give advice to people. For example, the local government could establish committees of experts who know public policies and economics to visit regularly and to collect feedback from residents. Negotiators can help to balance at-the-table and behind-the-table negotiations. They can also make use of the relevant intermediary agencies as a fair and neutral third party to negotiate with each family. The neutral third party can then make ground rules about such key negotiation points as the price per square meter and relocation expenses. The cooperation with a third party will help local government relieve conflicts and "expand the pie" with residents to be able to create a win-win situation.

4. Go to the Balcony

In order to solve problems jointly and reach a mutually satisfactory agreement, understanding their reactions and the emotions of the other parties in the negotiation is essential. Ury (1993, p.8) states that "Behind their attacks may lie anger and hostility. When convincing people they are right and others are wrong, they may also refuse to listen." The goal in a negotiation is to reach a mutual resolution. By increasing the likelihood of success and focusing on other people's interests while developing options to benefit residents are the right ways to improve the services. If the direct way to the agreement cannot work, people need to navigate past objections by taking an indirect route. Ury (1993) says that "The essence of the breakthrough strategy is indirect action. It requires you to do the opposite of what you naturally feel like doing in difficult situations...Since efforts to break down the other side's resistance only increase it, you try to go around their resistance. That is the way to break through," (pp.10-11)

Going to the balcony during a negotiation will allow people to evaluate if other negotiation tactics like soft and indirect approaches can lead to a successful negotiation outcome. The local government should provide enough data to convince locals of the benefits of relocation. During negotiations, people would often get impatient because residents were not willing to accept our position immediately. Then individuals must think about how to improve their emotional controls and present solid data to support their positions. The book *Getting Past No* indicates that “negotiation is the process of back-and-forth communication aimed at reaching agreement” (Ury, 1993, p.5). Instead of imposing terms on residents, the government can use soft negotiation approaches, such as visiting residents and their families to identify their fears and desires: “Instead of glowering across the table, you sit next to each other facing your common problem. In short, you turn face-to-face confrontation into side-by-side problem-solving” (Ury, 1993, pp. 5-6).

Some residents had pleasant feelings about selling their land to the local government because they looked forward to moving to a new place with better living conditions; but, not all of them thought like that. Another feeling that parties in negotiation may have is passive emotion, which means that people are skeptical, caring more about their future interests and not trusting the government policy. Those with passive emotions and skepticism would go and sit in front of the local government administration building to protest the resettlement plans. For example, “The Potency of Interest-Based Negotiations” indicates that conflicts can be avoided when a negotiation focuses on creating value that satisfies mutual interests and produces collaborative win-win outcomes (Katz, p. 5). How they can improve their thinking ability flexibility during negotiations has to be addressed, taking time to evaluate alternatives which would appeal to residents and increase the likelihood of a successful outcome. In the negotiations with residents, the government could consider providing education or vocational training in order to increase residents’ chances of finding a new job and making sure that the resettlement areas are close to developed areas where jobs are more readily available. Such ideas would convince the residents that the government was seeking solutions which are responsive to their needs and were willing to offer choices and benefits to local people.

To consider the public’s point of view and have a long-term plan to avoid arousing opposition is essential. In this negotiation process with residents, several government departments made plans based on previous agreements with residents in other areas. However, some residents still thought the policy did not consider their interests, and they would not agree with the proposed plan. Information should be more openly shared, and the other party should be protected from unacceptable consequences. Successful implementation of agreements depends upon gaining the trust and support of people. Docherty (2005) says that negotiators who understand and respond effectively to the conflicts in their turbulent surroundings can bring stability to the more extensive system. In *The Little Book of Strategic Negotiation*, a strategic negotiator will always think about the big picture depending on factors such as goodwill to gain acceptance for ideas and to increase the possibility that an agreement will endure. Carefully creating harmonious conditions can increase the likelihood of a successful negotiation. As Docherty (2005, p.21) points out, “Parties in a negotiation need to have some sense of a shared world.” They do not have to have a “single understanding of reality” but sharing “tacit rules, norms, and expectations about how the negotiation will proceed” will make negotiation easier. For example, the local government in China could hold forums to allow residents to ask questions. Such forums could build goodwill with the residents and create a more harmonious negotiating environment.

5. Strategies of Negotiations

A negotiation team leader would listen to different opinions and provide the group activity more focus so that the team members can do a better job and complete tasks on time. Also, I recommend that people who have facilitation training will be helpful in identifying misunderstandings and making decisions. Every team member has strengths that can contribute to the team goals. How can individuals change in order to contribute more to the team? They must be confident in putting forth ideas instead of being shy or afraid of making mistakes.

5.1 Understanding how perceptions affect negotiations. “Negotiators approach each situation guided by their perceptions of past situations and current attitudes and behaviors” (Lewicki, Barry, & Saunders, 2016, p.140). Perceptual distortions such as stereotyping or selective perception can lead to misunderstanding the other side’s position and failing to propose a solution that they can accept.

5.2 Target setting. Setting clear goals will facilitate teamwork and coordination. Docherty (2005, p.31) states that negotiation includes framing the issues, setting a time frame for negotiations, and developing a shared plan before negotiations commence.

5.3 Distribution of responsibility. Putting the right people in the right position is important. Dividing up the responsibilities of team members should be based on their unique strengths.

5.4 Enhance leadership ability. Putting forth different proposals before accepting a compromise and setting ground rules which will allow all participants to express their ideas. Encouraging respect among team members, and listening carefully to all team members before making a decision is important.

5.5 Expand cooperation with others. When team members have limited time and energy to complete goals, they can exchange information with the other groups. Cooperation will lead to a successful outcome in most circumstances.

5.6 Learning when to walk away. Lewicki and colleagues stated that a strong negotiator must “be willing to walk away from the current negotiation if their walk away or BATNA becomes the truly better choice”(2016, p. 276). Walking away also allows people time to rethink my position and come up with a more creative solution.

6. Facilitate Communication

The Emotional Advantage suggests how to manage conflict: identifying the emotions, others are experiencing and understanding how those emotions affect the process (Katz & Sosa, 2015, p.4). Working on creating a positive environment can increase the chances of a successful negotiation outcome. Also, they could find a possible way to meet their interests and “expand the pie” by including nonmonetary factors in the negotiation. “If negotiators fundamentally commit themselves to a win-win negotiation, bridging solution are likely to be highly satisfactory to both sides” (Lewicki et al., 2016, p.72).

6.1 Do not ignore emotional elements during negotiation. Controlling defensive emotions such as doubt and fear is essential in a negotiation. People need to work on identifying non-verbal displays of emotions including body language and facial expressions that will help them interpret other’s “internal states” and improve their emotional intelligence (Katz & Sosa, 2015, p. 6). In order to improve their listening skills and to manage their emotions, Ury (1993) describes this as going slow in order to go fast by breaking the agreement up into steps. Also, self-regulation includes actions such as taking the initiative and increasing adaptability and flexibility (Katz & Sosa, 2015, p.7) will be helpful ways to a positive result. Additionally, the book *Conflict Resolution: Building Bridges* indicates that it is crucial for individuals to think about what people should do, why they should do it, and when they should do it (Katz & Lawyer, 1993).

6.2 Keep in mind the interests of both sides. During a negotiation with another party, listening actively and respecting other party’s points of view is essential. Ury (1993) writes that if the other side is upset, people should not interrupt even if they felt that others were being unreasonable. As *The Little Book of Strategic Negotiation* states, to engage in negotiation activities use instrumental language and relational language to preserve the opportunity for further cooperation, and think of ways to select a solution that meets everyone’s interests (Docherty, 2005).

Conclusion

In summary, the negotiation tools will help people understand what they would do differently in future negotiations. When people negotiate with different parties, it is important to promote shared understandings and to create a win-win solution by building trust and fostering a long-term relationship. Sustaining a negotiation process by using strategic negotiation skills, such as making the negotiations a "learning team" and planning for implementation is essential. Remember to build a “golden bridge” to a solution that satisfies both parties while being open to constructive comments from third parties that can help negotiators effectively solve problems and strengthen existing negotiating skills, in order to become a more effective communicator who can lead a negotiation to a successful and lasting outcome.

References

- Docherty, S.D. (2005). *The little book of strategic negotiation*. Intercourse, PA: Good Books.
- Katz, N. (n.d.). The potency of interest-based negotiations: School contract negotiations in Sandy Creek. N.Y. Retrieved from Nova Southeastern University Blackboard, www.nova.edu.
- Katz, N. & Sosa, A. (n.d.). *The emotional Advantage: The added value of the emotionally Intelligent negotiator*. Retrieved from Nova Southeastern University Blackboard, www.nova.edu.
- Katz, N. & Lawyer, J. (1993). *Conflict resolution: Building Bridges*. Newbury Park: CA: Corwin Press, Inc.
- Lewicki, R.J., Barry, B., & Saunders, D.M. (2016). *Essentials of negotiation* (6th ed.). New York, NY: McGraw-Hill
- Ury,W. (1993). *Getting past no: Negotiating in difficult situations*. New York, NY: Bantam Books.