NEGOTIATION

Why What Many People Believe About Negotiation Is Wrong:

You Can't Win a Negotiation

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Negotiation is not a contest to be won. The best negotiators are persistent, flexible, curious, and creative, and they treat information as currency.

"[He] was confrontational with multiple unreasonable demands…When we got within six months of the expiration of the lease, and he made repeated proposals to negotiate a new lease, I was willing to take a cut in the rent to get rid of him." — Commercial property owner

In the popular media, as well as in political pronouncements, negotiation is often presented as a form of competition, resulting in a win/lose conclusion. The successful negotiator, in this view, is focused entirely on winning, and out to deny the opponent (the negotiating partner is generally viewed in adversarial terms) any sort of gain. In more recent times, the practice of "win-win" negotiation, once useful, has become a rather trite concept that usually means everyone involved ends up, not only with less than they asked for, but often with needs that are unmet. Being a "tough negotiator" often reads as masculine and driven not only by a desire to win, but also to do harm (financial, emotional, or reputational) to the other party.

In fact, this approach to negotiation often leads to lengthy, unpleasant, and ultimately unsuccessful interactions that can injure or even end personal or professional relationships. These time and energy-wasting debacles often involve posturing, threatening, or dishonesty. The goal is not only to win, but to make sure that the other knows that he or she has lost.

Negotiation is not an argument or debate to be judged by a third party. In fact, the focus of negotiation should be about what the parties have to gain from one another. The best negotiators are persistent, flexible, curious, and creative. They don't get stuck in "positional bargaining," but rather keep all parties' underlying needs in mind. They take time to prepare in advance, thinking their way into the minds of their negotiating partners. They use stated positions to uncover important needs by asking themselves, (or the other) what getting that result would do for them. They also consider the levels of power and trust and how important the relationship is or might turn out to be. This informs their tactical

approach. They recognize that the other party won't make a lasting agreement without feeling that they have been treated fairly and that their most important needs have been met - perhaps differently from what they expected but satisfactory and defensible, all the same. They don't allow themselves to accept a bad deal, knowing that no deal is usually better than a bad one. To ensure this, they usually have a BATNA - the best alternative to a negotiated agreement (the term was coined by Roger Fisher and William Ury). In other words, they know how to get their needs met in another way if the negotiation isn't successful. Any negotiated deal must be better than the BATNA to be worth concluding.

In Barnes & Conti's Constructive Negotiation program, we use the metaphor of building a house to represent the phases of a negotiation. Each phase requires a different set of tactics or behaviors. In all the phases, though, the best negotiators are always asking or listening for new or deeper information - information is the primary currency of negotiation. Less effective negotiators spend too much time thinking about what they want or will say instead of tuning in to the other's needs – and thus lose many opportunities to construct agreements that are elegant – creating exchanges that are high in value to the receiving party, but low in cost to the offering party. Being a "tough negotiator" can be effective – if what you are tough about is taking the time and effort to craft an agreement that meets both parties' needs.

Someone once reminded me that you can't win a negotiation any more than you can win a marriage. It's a complex, though temporary relationship rather than a simple set of transactions - and the best negotiators make the most of this understanding.

You can't win a negotiation any more than you can win a marriage.

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Founder of **The Influence Guru**, Kim Barnes is a coach, facilitator, and author with more than forty years of experience in leadership, influence, and organization development. She was a founder and, for many years, CEO of Barnes & Conti Associates, and developed or co-developed programs including *Exercising Influence*, *Inspirational Leadership*, *Intelligent Risk-Taking*, *Consulting on the Inside*, and *Managing Innovation*. She is the author of six books, including *Exercising Influence* (Wiley) and *Building Better Ideas* (Berrett-Koehler). She works with enterprise companies, government agencies, small businesses, and individuals from the San Francisco Bay Area.

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