

# Let the winner beware!

## *Negotiating for what you really need*

By DAVID HANLON

“You and I have a conflict of needs. I respect your needs, but I must respect my own, too. I will not use my power over you so I win and you lose, but I cannot give in and let you win at the expense of my losing. So, let's agree to search together for a solution that would satisfy your needs and also satisfy mine, so no one loses.”

*Dr Thomas Gordon (1972), Gordon Training International*

As I have said to some of you before: you are negotiating 24 hours a day, seven days a week. You start your negotiations when its time to get up (right now or a few minutes more!), what to eat for breakfast, doing the accounts now or tomorrow, talking to that difficult employee and so on. Have you ever looked closely at your **pattern** in dealing with these situations? Generally, how we deal with these personal negotiations will give a clue as to how you behave in a larger, more complex negotiation.

A large part of our work in RCS revolves around the process of getting agreement on something. This can be families in succession, changing the culture of a business or getting an industry group to work towards a common goal. Within supply chains, where increasingly we are working with both businesses and industry bodies, the issue of negotiating for what you really need often becomes one of how these groups and businesses perceive power: who has it, and how it is used.

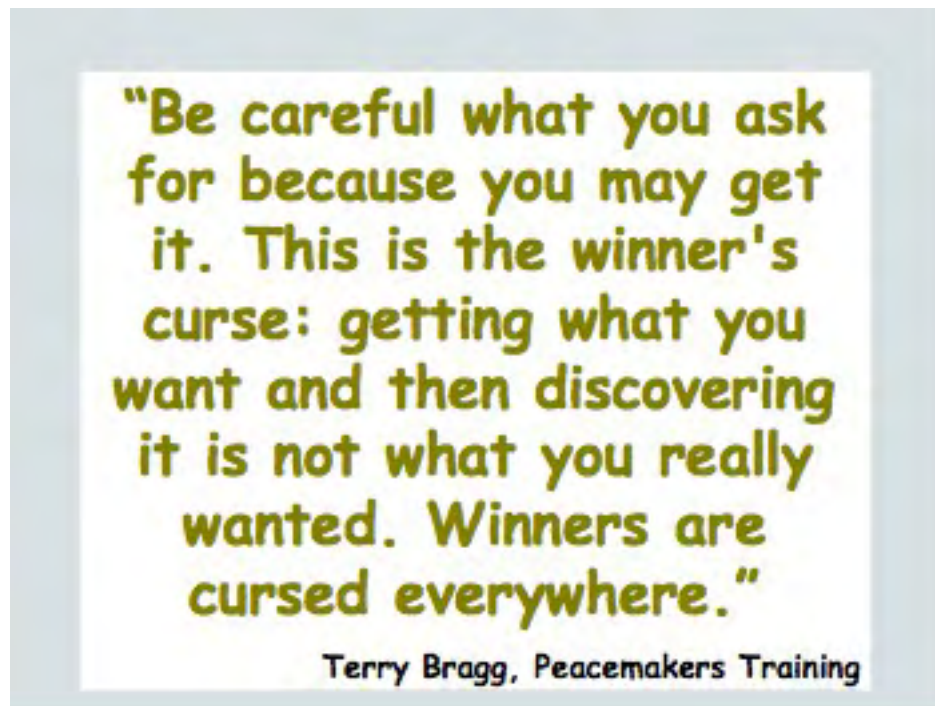
Put another way, it requires moving two or more parties towards a decision that all can live with. In simple terms, this is what negotiation is about.

### ***The winners curse***

For many, negotiation is about getting away from something they don't want as opposed to working towards something they want. Terry Bragg, author and negotiator in the US, describes what he calls the “Winners Curse” (Figure 1). Part of the winners curse is not being clear on outcomes. Interestingly, explorer, John McDowall Stuart said, “Be very careful as to what you set your mind on, as you are most likely to achieve it”.

That is, through not having clearly defined outcome that all parties can agree to, we frequently see situations that are token agreements: they do nothing to bring harmony between families, the business culture doesn't change or industry walks away from implementing the desired changes.

Figure 1: The Winners curse



You should never arrive at a negotiation assuming you have the solution – should you do so you are first likely to have an inability to 'listen' and hear alternative options and secondly you run a very high risk of walking away with disappointment as you will have an unmet expectations.

### ***Start with the outcomes***

From my experience I find that most negotiations fall into two types: those that seek to grow the pie and those that seek to gain as much of the existing pie as they can. That is, by diluting the other party's share. A focus on dividing the pie is the most common and generally only has one option. On the other hand, those who generate as many options as possible are frequently the most successful. We often fail to settle a dispute because we had not generated enough options.

In the ideal situation, the options generated will have a mix of needs, wants and likes. David Straker's "Changing Minds" (November 2005)<sup>1</sup> provides a nice way of separating these.

**Needs** are those issues which you are not prepared to compromise. In other words if you do not achieve such and such, there is no deal. If you can concede, then it is not a need. A negotiation difficulty increases with the number of needs you have: it simply means you are less prepared to compromise.

**Wants** are those things that are important to you. However, they are **not absolute** and may be given up in order to achieve your needs.

**Likes** are those things that you would like to get but will not be disappointed if you do not get them. Likes are often good bargaining chips in a negotiation, especially if they are valued by the other party. You may be able to get quite a lot in exchange for giving way on your likes. For

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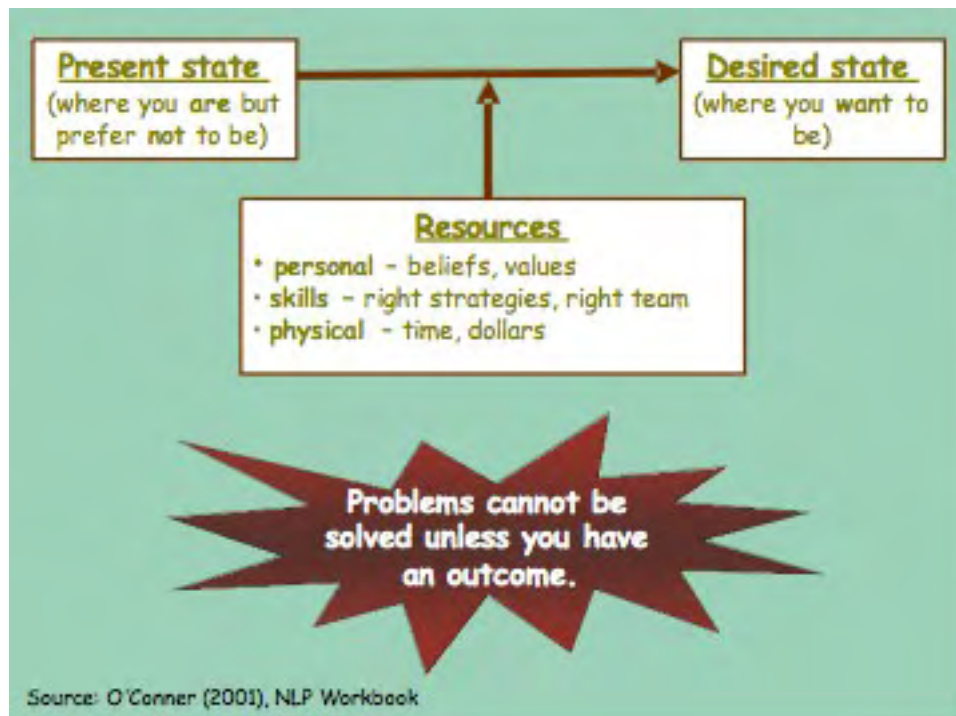
<sup>1</sup> <http://changingminds.org>

example, you can pretend that a like is a want or need and concede woefully in order to get wants or needs in return.

Failure to take the time to separate out all the issues into needs, wants and likes is one of the main causes people end up with winning but liking the outcome.

A framework that I personally like to for running a negotiation is that of Joseph O'Connor (Figure 2). I like it for its simplicity. This does not mean there will be hard work, but rather the parties I work with can see clearly what has to be done. If all the factors identified within this framework are not considered properly, the more we leave achieving our desired outcome up to chance.

**Figure 2: The framework**



### ***You can not afford to make the other party wrong***

One of the most common mistakes that happens in disputes is the very deeply ingrained behaviour trait that wants to make the other party wrong. Wrong is frequently just another perspective: yours versus theirs. And at the end of the day, most of us have feelings and finger pointing or blame makes us react. Even if I am wrong, I don't like it rubbed in my face and I will react in a more emotional manner. Getting the outcome or results you desire, becomes more difficult.

### ***Do you just want blood?***

How often have you seen parties fighting over something that in the end, the result is inconsequential: they just want blood. For what reason??? To make them feel wrong or beaten....more often it is **righteous** behaviour. However, once the blood has been got (or lost), most people can't get over the resentment: the entire process of litigation and court frequently

cements a deep resentment that may never go away. And we keep building our evidence to ensure we are right!

Blood is expensive so think carefully before chasing it.

### Can you forgive?

A client of mine who was a renowned fighter, was sued by his sharefarmer for wrongful dismissal. My client countersued, and when I was called to assess his financial loss, I remember saying to him, "blood costs money!" He replied, "I know and I want it." So here we all were: lawyers, expert witnesses and accountants, building our evidence to win—and we knew we would win.

At the pre-court meeting with our Barrister in Sydney, we are sitting in the Barrister's chambers and across the table I saw my client had a smiley face drawn in black texta colour on his hand with the word "forgive" written underneath. Incredulously, I asked "who is the message for?" Rather surprised, he said "I didn't know anyone could see it, but I have come here simply to get my direct costs back. The fight **still to come** is not worth the money we may get back. So I am prepared to negotiate."

This is something he had stubbornly refused to do during the preparation of the case.



Forgive and move on

### ***I want my way***

For some people, a solution simply means their needs are met regardless of the needs of others. The typical response patterns here are:

- Bully or sulk to get your results
- Walk away if you don't get your way
- Look for ways to "even up the score"

Too often, wanting it "my way" is a result of fear of the alternatives that may be proposed to us.

We regularly do not fully consider the costs of getting everything one's own way. The so called 'road kill' left behind has costs (both financial and personally) for many years to come.

Often we want it "my way", because that is what we are used to and we think in terms of "win/loose". As a result our communication styles reflect this.

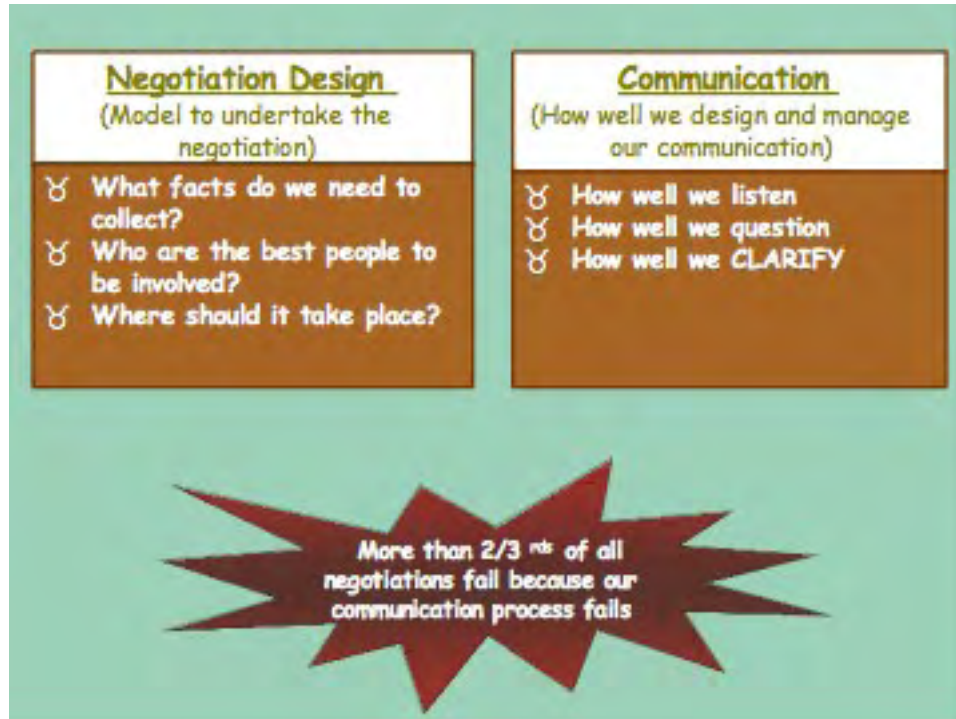
If this style is common with you, then sometimes it is better to have another person assist you with the negotiation process. That is, a third party.

When communicating within a negotiation remember

- Silence is a wonderful tool

- Learn to listen to the other parties story (without judgment in the first instance) and learn to tell your own story in a manner that clearly lets the other side know why you have the position that you do

**Figure 3: Don't forgot "Communication" in the design**



### ***Don't make it personal***

One of the hardest things for all of us in negotiating a difficult position, is focus on playing the ball, not the man. A large part of the problem I see in horticulture is the blame placed on another party without having a full understanding of their position. It is so easy to blame without full knowledge. Blame is very destructive in any negotiation. Figure 4 provides a check list of the types of things we do or say if we are negative within a negotiation versus the more traits. Listen to your self and see when things are difficult which groups of words or behaviours you tend to use. The moral of the story is "stay above the line".

**Figure 4: Stay above the line**

Responses for preventing dispute & escalation of disagreement

	1	2	3	4	
Accept					S T A Y  A B O V E  T H E  L I N E
Paraphrase					
Acknowledge					
Clarify					
Reframe					
Validate					
Affirm					
Agree					
Expand					
Congratulate					
Neutralise					T H E  L I N E
Deny					
Ignore					
Side Step					
Disagree					
Ridicule					
Blame					
Invalidate					
Change Time Frame					
Make Wrong					

Source: Allan Parker, The Negotiators Toolkit

***Negotiation is not a sport***

One of the key factors in breaking down long-term relationships in negotiation is every “deal” is seen as a sport. “If I win this one, I have beaten the Bs at their own game!” Horticulture in particular tends to operate along these lines. In sport you have a winner and loser in every single game. If we are wishing to change from competing with agents and retailers to a collaborative supply chain, then our styles need to change radically. Thinking of the process in a win/loss way, actually breaks down any change of fundamentally shifting our position.

Given, the competitive nature of our businesses we have to work hard to break this model when it comes to negotiation.

Figure 5: Which “C” do you operate under?



### ***In summary***

Remember, just because I have a need, you are not there to fulfill that need. I must not expect that of anyone otherwise I will be continually disappointed. My needs have to be independent of you but I am willing to establish a long-term relationship with you in order that my needs are better satisfied. In the end, I will be more often satisfied if I commit to my agreements with you. I will commit to my agreements more easily if I believe both of us will do what we said we would do when we said we would do and we do it the way we said we would do it.

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