Strengthening partnership and networks in agricultural research for development

a learning module

(Version 1.0)
Strengthening partnerships and networks in agricultural research for development

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Session 8: Key skills for effective partnership management—Conflict management, negotiation and facilitation

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Trainer’s guide

Session 8: Key skills for effective partnership management—Conflict management, negotiation and facilitation

Purpose
To enhance the capacity of the agricultural researchers to forge effective and efficient partnerships with other relevant stakeholders in the agricultural innovation system for achieving greater impacts.

Objectives
At the end of this session participants will be able to:
- appreciate the role of conflict management skills
- negotiation skills
- facilitation skills in partnership design and management

Resources
- Flipcharts
- White board
- Blank transparencies
- Flipchart and white board markers
- Copies of handouts 8.1, 8.2, 8.3 and 8.4 for each participant
- Computer and LCD projector
- Overhead projector

Time needed
2 hours

Method of facilitation

<table>
<thead>
<tr>
<th>Activity</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Presentation</td>
<td>Distribute handout 8.1 (presentation slides) before you start your presentation</td>
</tr>
<tr>
<td></td>
<td>Give a presentation on key skills for effective partnership management, conflict management, negotiation and facilitation</td>
</tr>
<tr>
<td></td>
<td>Allow some time for questions to make sure that participants understand what is presented.</td>
</tr>
<tr>
<td></td>
<td>Distribute handout 8.2 (presentation text) to supplement your presentation</td>
</tr>
<tr>
<td>Exercise</td>
<td>Distribute handout 8.3 and 8.4 for exercise 8 self and pair analysis</td>
</tr>
<tr>
<td></td>
<td>Ask a volunteer to read the exercise</td>
</tr>
<tr>
<td></td>
<td>Ask participants to work individually and in pair exercise</td>
</tr>
<tr>
<td></td>
<td>Remind them the time allotted to the exercise</td>
</tr>
<tr>
<td>Transition</td>
<td>Make closing remarks and transit to the next session</td>
</tr>
</tbody>
</table>
Session 8: Key skills for effective partnership management—Conflict management, negotiation and facilitation: Summary of overheads

8.1

Key skills for effective partnership management: Conflict management, negotiation and facilitation

8.2

Session objectives

Appreciate the role of:
- conflict management skills
- negotiation skills
- Facilitation skills in partnership design and management

8.3

Key skills

- Interpersonal skills *
- Facilitation skills *
- Conflict management skills *
- Feedback skills *
- Negotiation skills *
- Active listening skills
- M&E skills
- Listening skills
Conflict management and partnership

- Partnership process involves engagement of different actors
- These actors have different competencies, roles and interests
- Involvement of different actors, though it creates synergy, it could also be source of conflict

8.5 What is conflict?

- Conflict is a disagreement that:
  - may arise between two or more parties
  - resulting from an incompatibility of:
    - goals
    - interests
    - perceptions or values

Moore’s conflict circle

Data conflicts are caused by:
- Lack of information
- Misinformation
- Different views on what is relevant
- Different interpretations of data
- Different assessment procedures

Value conflicts are caused by:
- Different criteria for evaluating ideas or behaviour
- Exclusive intrinsically valuable goals
- Different ways of life, ideology, and religion

Interest conflicts are caused by:
- Perceived or actual competition over substantive (content) interests
- Procedural interests
- Psychological interests

Structural conflicts are caused by:
- Destructive patterns of behaviour or interaction
- Unequal control, ownership, or distribution of resources
- Unequal power and authority
- Geographical, physical, or environmental factors that hinder co-operation
- Time constraints

Relationship conflicts are caused by:
- Strong emotions
- Misperceptions or stereotypes
- Poor communication or miscommunication
- Repetitive negative behaviour
Sources of conflict

- Data conflicts
- Interest conflicts
- Structural conflicts
- Value conflicts
- Relationship conflicts

Conflict management strategies

<table>
<thead>
<tr>
<th>Approach</th>
<th>Objective</th>
<th>Year posture</th>
<th>Supporting rationale</th>
<th>Likely outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collaborating/</td>
<td>Solve the problem together</td>
<td>&quot;This is my position, what is yours?&quot; &quot;I am committed to finding the best</td>
<td>The positions of both parties are equally important (though not necessarily equally</td>
<td>The problem is most likely to be resolved. Also, both parties are committed to</td>
</tr>
<tr>
<td>consensus</td>
<td>together</td>
<td>possible solution.&quot; &quot;What do the facts suggest?&quot;</td>
<td>valid). Equal emphasis should be placed on the quality, outcome and fairness of the</td>
<td>the solution and satisfied that they have been treated fairly.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>decision-making process</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accommodating</td>
<td>Don't upset the other person</td>
<td>&quot;How can I help you feel good about this encounter?&quot; &quot;My position isn't so</td>
<td>Maintaining harmonious relationships should be our top priority.</td>
<td>Other person is likely to take advantage.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>important that it is worth risking bad feelings between us.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Conflict management strategies (cont’d)

<table>
<thead>
<tr>
<th>Approach</th>
<th>Objective</th>
<th>Your posture</th>
<th>Supporting rationale</th>
<th>Likely outcome</th>
</tr>
</thead>
<tbody>
<tr>
<td>III. Competing/force</td>
<td>Get your way</td>
<td>I know what’s right ‘I know what’s right’</td>
<td>It is better to risk causing a few hard feelings than to abandon an issue you are committed to</td>
<td>You feel vindicated, but other party feels defeated and possibly humiliated</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Don’t question my judgment or authority’</td>
<td></td>
<td></td>
</tr>
<tr>
<td>IV. Avoiding</td>
<td>Avoid having to deal with conflict</td>
<td>I’m neutral to this issue. ‘Let me think about it.’ ‘That’s someone else’s problem’</td>
<td>Disagreements are inherently bad because they create tension</td>
<td>Interpersonal problems don’t get resolved, causing long-term frustration manifested in many ways</td>
</tr>
<tr>
<td>V. Compromising</td>
<td>Reach an agreement quickly</td>
<td>Let’s search for a solution we can both live with so we can get on our work.</td>
<td>Prolonged conflicts alienate people from their work and engender bitter feelings</td>
<td>The participants become conditioned to seek expedient rather than effective solutions</td>
</tr>
</tbody>
</table>

### Developing skill in conflict management

- Listening, listening, more listening
- Build and maintain rapport
- Acknowledging perceptions, accommodating cultural differences
- Understanding and describing the viewpoints of others
- Identifying needs, interests, concerns and fears
- Encouraging conflicting parties to listen to each other
- Setting and getting agreement on rules
- Starting and keeping constructive discussions

### Negotiation skills
### 8.13 Benefits of negotiation

- Conflict resolutions
- Cost reductions
- Better relationships
- Enhanced performance

### 8.14 Types of negotiations

- **Distributive negotiation**
  - Zero sum or constant sum negotiation
  - Distribution of fixed sum of value
- **Integrative negotiations**
  - Create as much value as possible
  - Claim value for yourself
  - Win–win negotiations
- Most negotiations are integrative

### 8.15 Key concepts in negotiation

- **BATNA**: Best alternative to a negotiated agreement—The fallback position
- **Reservation price** (walk away position)—the least favourable point at which you will accept an agreement
- **ZOPA**: Zone of possible agreement—A range in which a deal will satisfy both parties

| Reservation price of A | Reservation price of B |
Preparing for negotiation

- Define a good outcome for you and other side
- Identify potential value creation opportunities
- Identify your and other side’s BATNA and reservation price
- Store up your BATNA
- Anticipate authority issues

Preparing for negotiation (cont’d)

- Learn all you can know about other side
- Build flexibility into the process
- Gather fairness standards and criteria
- Alter the process in your favour

The process requires time and careful thought

Negotiation is a non-linear process
8.19 Skills for reshaping the negotiation process (Glaser and Ruso)

- Maintain your composure
- Getting time to think
- Developing data
- Refocusing the discussion
- Handling information strategically

8.20 Common mental errors in negotiations

- Irrational escalation
- Partisan perception
- Irrational expectations
- Overconfidence
- Unchecked emotions

Focus on issues and problems instead of individuals and their personalities

8.21 Facilitation
Facilitation

- Process of making something easier or less difficult
- Consensus building and participatory decision-making

Facilitation skills for feedback and collective decision-making

- Effective facilitation skills are linked with feedback
- It supports teams/groups/individuals to do their best thinking
- Leaders and managers need facilitation skill for giving and accepting feedback
- Enable to reach group consensus and collective decisions

Benefits of facilitation skills

- Increased ability to manage diverse groups at all stages of the project cycle
- Improved skills for managing conflict
- Better use of local knowledge, resources and capacities
- Enhanced collaboration, co-ordination and understanding amongst project stakeholders
- More committed and timely group action
- Increased management capacity of partners
- More effective meetings and partnerships
Roles of facilitator

- Main role is setting the initial mood or climate of the group
- Helps to elicit and clarify the purposes of the individuals in the group as well as the more general purposes of the group
- Relies upon the desire of each participant to implement those purposes that have meaning for her or him as the motivational force behind significant learning
- Organizes and makes available a wide range of resources for learning
- Act as a flexible resource to be utilized by the group
- May share opinion without any imposition, the group member may take it or leave it
- Should be alert to expression that indicate deep or strong feelings
- Should recognize and accept his or her own limitations

Attributes of a good facilitator

- Is neither a content expert or a lecturer
- Keeps the group focused on task and processes
- Remains as objective as possible
- An informed guide help the group to chart its course and accomplish its goals
- Listens more than talks
- Adopts to various learning styles
- Encourage maximum participation of all individuals
- Protects members of the group from attack by others
- Gender and culturally sensitive
- Energizes a group or slows it down, as needed
- Recap periodically to make connections between sessions

Tools and technique include

- Mirroring
- Paraphrasing
- Summarizing
- Asking question
Mirroring

- Facilitator repeats the exact words of what the speaker says
- Can only be used for one or two words or short sentences
- It helps the speaker to understand what he/she was saying is correctly captured

Paraphrasing

- The listener, using his/her own words, reflects what the speaker is saying and how the speaker is feeling
- Confirmation of shared understanding

Summarizing

- Listener identifies and verbalizes key elements or details of the conversation
Asking questions

The listener asks open-ended and closed questions

<table>
<thead>
<tr>
<th>Open-ended</th>
<th>Closed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Begin with: when, where, what, how</td>
<td>To get specific information</td>
</tr>
<tr>
<td>Can’t be answered with yes or no</td>
<td>Answered with yes or no</td>
</tr>
<tr>
<td>Needs explanation, clarification and elaboration</td>
<td></td>
</tr>
</tbody>
</table>

Attributes of a good facilitator

- Be alert to signs of confusion/body language
- Don’t do the group’s work
- Circulate but don’t become part of a group
- Spend sufficient time in each group to ensure that they have grasped the tasks
- Review tasks if groups are having difficulties
- Frequently check whether there are questions
- Give members time to answer questions
- You are not an expert/don’t pretend that you are an expert, frequently remind the group that you are a facilitator
- Be flexible: Changing something does not mean that you planned poorly, but probably means you are listening, watching and adjusting your plan to fit the situation
- Relax!!!

Thank you!
Session 8: Key skills for effective partnership management—Conflict management, negotiation and facilitation: Summary of presentation

8.1 Introduction

The emerging innovation systems paradigms require new partnerships and network in the design and implementation of agricultural research for development. For an organization to realize the full potential of the collaborative advantage of partnerships, it must be skilled not only in identifying the right partners, but also should be able to manage these partnerships very effectively. This requires a new set of skills and tools. Among others, the key sets of skill required are: interpersonal skills, facilitation skills, conflict management skills, feedback skills and negotiation skills. These skills are presented and discussed in this chapter.

8.2 Conflict management

Innovation system requires the involvement of different actors in the process. The engagement with different actors will increase the possibility of entering into some sort conflict with one another. If this conflict is left unresolved the innovation process will be disrupted and will be hard for innovation to happen. Therefore, competency in conflict management is a key skill required by actors in the innovation system.

Conflict management offers approaches that help in preventing or resolving conflicts. Conflict management could only be understood and managed in the context of culture. Different communities have different ways of perceiving, acknowledging and resolving a conflict.

We all have gone through some sort of conflict in our life time. This shows that conflict is pervasive and normal part of our life. Moreover, if well managed and handled skilfully it can be harnessed to lead into positive and higher level of trust, understanding and productive engagement. When dealing with conflict management it would be good to take this into consideration.

8.2.1 Sources of conflict

The widely used approach to conflict management is a model developed by Christopher Moore and associates in the 1980s. The approach helps in analysing causes and finding solutions by positioning the problem in the centre. The approach categorizes conflict into five categories based on the underlying causes (see Figure 1). These are:

Data conflicts

These are caused by lack of clear information on the issue, misinformation, interpretation of available data differently, different interpretations of available data, or by using assessment procedures in understating the meaning of data.

One step in managing this kind of conflict is reaching an agreement on the data that will be relevant for the issue at hand, deciding and agreeing on method of data collection analysis. Furthermore, getting

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1. This section is heavily drawn from participatory planning, monitoring and evaluation course material. http://www.cdic.wur.nl/UK/Courses/Overview+Courses+2009/.
expert opinion will also help in filling the gap, clarifying the methodological issue that would lead to disagreement and resolving the power issue related to who has the correct skill and knowledge.

Figure 1. Moore’s conflict circle

**Needs and interest conflicts**

This kind of conflict can arise as a result of perceived or actual competition between substantive (e.g. the land), procedural (e.g. fairness, openness, transparency,) or psychological (e.g. respect, recognition, dignity, professionalism) interests.

Possible solutions are reached by focusing on interests instead of on the positions, looking for objective criteria, developing integrative solutions addressing the needs of all parties, searching for ways of expanding options or resources, and by developing trade-offs satisfying interests of different strength.

**Structural conflicts**

This kind of conflict can be inflicted by spatial occurrences that are related to uneven distribution of proceeds from geographic, physical or environmental factors as well as time constraints that hinder co-operation. It can also manifest as a result of ‘general set up and role distribution of a situation, from unequal power and authority in the decision-making process, form negative patterns of behaviour and interaction, or from the unequal control, ownership or distribution of resources’. Moreover, what causes the real conflict is the absence of appropriate rules, regulation and procedures that could have helped the handling of the issues.
Therefore, the solutions will also be based on creation of rules, regulations and procedures. As it is always difficult to reach to amicable solution which satisfies both parties the involvement of an external mediation or arbitration is highly recommended. This can help in reaching comprise and ‘clearing definition and acceptance of roles and levels of authority’. Some of the specifics include; ‘the reallocation of rights and entitlements, the relocation of the negotiation platform at a convenient distance from the field, the establishment of a fair, transparent and acceptable decision-making process’. This involves confidence building, trust that leads to avoidance of animosities which will mainly be ‘interest-based persuasive trade-off bargaining negotiation in an appropriate timeframe’.

Value conflicts
These are conflicts caused due to cultural differences that exist between the disagreeing groups.

Values are basis of people’s choices and priorities. People give value to things and phenomena influenced by their upbringing, teaching, religious beliefs and experiences. Therefore, it is difficult to define criteria and evaluate or judge value. Direct attempt to change, disdain and criticize an individual’s or a community’s values can result in strong opposition.

Challenging values directly, in attempt to change it, will not result the intended goal. Therefore, ‘issues should be redefined in other terms than cultural values’. It is good to allow people to hold their values without being criticized and humiliated. Therefore, this shouldn’t be a source of contentions. On the other hand, they could work to create a common cause and goal that will help them resolve the disagreement.

Relationship conflicts
Though these kinds of conflicts are frequently seen, they are also baseless and trivial. They are caused most of the times due to personal dislikes, misconceptions and stereo types, repetitive negative encounters.

Therefore, it is good to create forums that help to come together and understand each other to avoid stereotyping and misconceptions. Sharing information and transparency will also help misinformation and rumours. Furthermore, people should also be trained on working in diversity, interpersonal skills and emotional intelligence so that they ‘build positive perception skills in order to develop a positive problem-solving attitude’. Moreover, appropriate measure should be taken on people who are unable to control their emotions and disrupt the normal functioning of work.

8.2.2  Conflict management strategies

It is not always possible to see most conflicts being categorized in one of the above categories. There could be an overlap and sometimes a certain conflict can be caused by more than one cause.

People use different strategies to resolve conflicts. These strategies could be grouped as in Figure 2. The basis for the grouping is the combination of the level of importance given to the relationships and achievement of goals. The desired state is consensus which values relationships as well as achieves the goal but hard to achieve every time. Moreover, compromise is also the way of life. The option for constructing the most practicable strategy for managing conflict is summarized in Box 1.

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Box 1: Options for constructing a most practicable strategy for managing conflict

<table>
<thead>
<tr>
<th>Force</th>
<th>Withdrawal</th>
<th>Accommodation</th>
<th>Compromise</th>
<th>Consensus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adversarial ‘uncompromising’ negotiation</td>
<td>Avoidance</td>
<td>Relationships dominate</td>
<td>Trade-off</td>
<td>Direct consensual negotiation (no facilitator)</td>
</tr>
<tr>
<td>Legal channels</td>
<td>Opting out</td>
<td>Goodwill nurtured</td>
<td>Arbitration</td>
<td>Third party facilitated negotiation</td>
</tr>
<tr>
<td>Electoral system</td>
<td>Deployment of delaying tactics</td>
<td>Postponement of decision</td>
<td>Temporary boycott</td>
<td></td>
</tr>
<tr>
<td>Use of mass media to rally public support</td>
<td>Withdrawal</td>
<td>Temporary boycott</td>
<td>Strikes</td>
<td></td>
</tr>
<tr>
<td>Public protest</td>
<td>Threat of withdrawal</td>
<td>Temporal boycott</td>
<td>Strikes</td>
<td></td>
</tr>
<tr>
<td>Lobbying</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


![Conflict management strategies diagram](image)


**Figure 2.** Conflict management strategies.

There are different ways of handling a conflict, depending on the type of conflict and on the atmosphere in the group. But, in general, the conflict-resolution strategies listed below provide a constructive way of finding solutions. The first and most important step is that every group member should be involved in solving the group’s conflicts.

The following strategies are listed in the order of preference, one being less preferred, although the goal is actually very difficult to reach!
1. Avoiding conflict
   Groups that avoid conflicts remain on the surface of their relationships: they don’t allow opposition or submit themselves to any arising opposition. Their conflicts are denied, kept hidden, or suppressed.

2. Elimination of the conflicting party/parties
   Members that oppose or disrupt the group’s aims and objectives are driven out of the group. This can happen through punishment, bad talk, or just ignoring their wishes. The thoughts of the opposition are: ‘We give up,’ ‘We are insulted,’ or ‘We are going to make a group of our own.’

3. Suppression of the minority
   The group suppresses those with other opinions by any means they have. The minority is expected to listen and obey what the majority wants and thinks is best for the group (e.g. for them). For some time this strategy will work, because the minority is afraid, but sooner or later tensions and hostility will become so strong that the group will break apart. Voting is actually a smoother form of suppression, because there will always be a winning majority and a losing minority.

4. Agreement
   The majority rules and decides, but the minority does not feel oppressed by that and agrees to what is proposed.

5. Alliance
   Different parties do not give up their different opinions, but they agree on a common point to reach a step both think is good for them. The conflict is still there, it is just asleep, until the step or the short-term goal is reached. If that is done and the conflict is still there, it will arise again.

6. Compromise
   When the parties involved in a conflict have about the same amount of power and cannot oppress each other, they will look for a compromise. Each group gives in as much as it thinks it can in order to reach a better solution in the end. Conflicts are very often solved in this way. The parties think ‘better to give in a little bit to reach some sort of solution than none at all.’ But they are not fully happy about the final solution, as it is often less than they expected.

7. Integration of the different views into a new one
   This form of solving a conflict is the best, but also the rarest. The different opinions are discussed, weighed against each other, and measured against the common aim. The whole group is involved in the conflict-solving process and each member takes care that his/her wishes are recognized as much as possible. This solution can differ from the views of the conflicting parties, but the new-found common solution could be even better than the ones that existed before: something new was created by involving everyone.

The different strategies of the different parties, i.e. the approaches used differ depending upon the extent to which:

- The party values the maintenance of good relations with other parties; and
- The importance the partner places on achieving its own goal. Each of the five possible strategies (accommodation, consensus, compromises/tradeoffs, withdrawal or force) has its advantages and disadvantages. Ideally one should look for consensual negotiations.

It is important to build and maintain an open dialogue in any situation, when dealing with conflicts.
8.3 Negotiation skills

Irrespective of where you work, negotiation is an ever-present feature in any organization. Given the role of negotiation in the workplace, it is important for all actors within an innovation system to improve their negotiations skills. In forming and managing effective partnership, negotiation is a key element. Given its importance, many organizations make negotiation as a core competency.

8.3.1 Benefits of negotiations

- Conflict resolutions: Conflicts often lead to poor performance. Ability to negotiate and resolve conflicts can enhance the morale and productivity.
- Cost reductions: When organizations develop competence in negotiation, they can reduce costs and inefficiencies associated with flawed contracts/agreements.
- Better relationship: Negotiations enhances interactions between partners. Successful negotiation leads to mutually agreeable purposes and consensus. This will strengthen the relationship and builds a sense of trust.
- Enhanced performance: In some negotiations, people and organizations represent their own interest. In other cases people may use an agent—a third party is representing the interest of one group. Irrespective of the type of negotiation the common issues centred around any negotiation are: information asymmetry, divided interest among principles and conflict of interest.

Information asymmetry—refers to a situation in which one partner has more information than the other.

Divided interest—many agents face the challenge of serving divided internal interest.

Conflict of interest—Every agent is bound to have a personal agenda and that agenda my conflict with the principal’s agenda.

8.3.2 Types of negotiations

There are two primary kinds of negotiations: Distributive and integrative.

Distributive negotiations: Here the parties compete over the distribution of a fixed sum of value. The negotiation centres around the question of who will claim the most value. This type of negotiation is also referred to as zero-sum or constant sum negotiation. The term win–lose is more appropriate here. Examples: Buying a motor vehicle, wage negotiations.

Integrative negotiations: In an integrative negotiation, the parties co-operate to achieve maximum benefits by integrating their interests with an agreement, while also competing to divide the value. The negotiator has to be skilled at both creating value and claiming it.

The growing use of joint ventures and outsourcing has likewise motivated organizations to think more about relationship and less about winning what often appears to be a zero-sum game.

In an integrative negotiation, there are two tasks.

1. Create as much value as possible for yourself and for the other party and
2. Claim value for yourself.
These types of negotiations are also called win–win negotiations. Here, each makes trade-offs to get the things that they value most, while giving up other, less critical forms of value. Finding opportunities for mutual benefit naturally requires information sharing. If the partners have common interest then negotiation becomes much easier and the parties may not compete at all.

An integrative negotiation encourages participants to do the following:

- Provide significant information about their circumstances
- Explain why they want to make a deal.
- Reveal and explain in general terms their preferences among issues or options.
- Consider and reveal any additional capabilities or resources they have that might meet the other side’s interests and could be added to the deal.
- Use what they learn to find creative options that will meet the interest of both parties to the greatest extent possible.

Note: Only few negotiations are purely distributive or purely integrative. Most are integrative to some degree, containing opportunities for competition and collaboration.

Multiparty negotiations

Many of the R&D negotiations involve more than two parties. Multiparty negotiations can significantly differ from two-party negotiations in one important aspect: Coalitions can form among parties.

In a multiparty negotiation there are at least two types of coalitions: a natural coalition of allies who share a broad range of common interests and a single issue coalition in which parties that differ on other issues unite to support/co-operate in one issue. The challenge of multiparty negotiation is managing coalitions. Here it is important to understand the goals, interests and relationships of many parties and work from there. A natural coalition of allies is hard to break and on the other hand single-issue coalition is more vulnerable.

No matter which type of negotiations you are faced with, it’s bound to become more complex if it is multiphased or involve multiparties. If the negotiation is multiphased, use the early phases to build trust and to familiarize with the other partners. If many parties are involved, consider the benefits of forming a coalition to improve your bargaining power, or breaking up coalition that is opposed to your proposal.

In order to accomplish a successful negotiation one must have some clear ideas about the following.

- The best alternative to a negotiated agreement (BATNA)—the fall back position. Always know your BATNA before entering into any negotiations.
- The minimum threshold of terms for a negotiated settlement
- How flexible the other party is willing to be, and what tradeoffs they are willing to make.

The three concepts that are important to establishing this framework are: BATNA, Reservation Price, and ZOPA.

BATNA determines the point at which you can say No to an unfavourable proposal and how advantageous that point is to win vary depending on the strength of your BATNA. If your BATNA is strong, then one can negotiate for more favourable terms, knowing that you have something better to fall back on, if a deal cannot be arranged. A weak BATNA, on the other hand, puts you in less powerful bargaining position. Whenever you are faced with a weak BATNA, it becomes difficult to walk away from a proposal—no matter how paltry its terms.
A weak BATNA is not the end of the world. There are three possible strategies that you can employ to strengthen your position:

- Improve your BATNA.
- Identify the other side’s BATNA
- Weaken the other parties BATNA.

Assessment tool: Identifying your BATNA

1. What are your alternatives to a negotiated agreement? List what your alternatives will be if the negotiation ends without agreement.
   a) 
   b) 
   c) 
   d) 

Review the list. Which of these alternatives would be best?

2. What could improve your BATNA? Consider
   - Are there any better arrangements you can make with parties other than the party you are currently negotiating with?
   - Is there any way to remove or alter any constraint that makes your current BATNA unfavourable? What? How?
   - Is there any other way to change the terms you bring to the negotiation that could improve your BATNA? What? How?

3. Write what your new BATNA will be if you succeed in improving it.

Source: Harvard Manage Mentor® Negotiating.

Reservation price

The reservation price or position (also referred to as your walk-away) is the least favourable point at which you will accept an agreement.

ZOPA—Zone of possible agreement

This is the area or range in which a deal that satisfies both parties might take place. It is the set of agreements that potentially satisfy both parties.

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<tr>
<th>ZOPA</th>
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8.3.3 Preparing for a negotiation

There are nine steps in preparing for a negotiation.

1. Know what a good outcome would be—from your point of view and that of the other side.
2. Look for opportunities to create value in the deal.
3. Know your BATNA and reservation price. Make an effort to estimate those benchmarks for the other side.
4. If your BATNA is not strong, find ways to improve it.
5. Find out if the person or team you will be dealing with has the authority to make a deal.
6. Know those with whom you are bargaining/negotiating. Learn as much as you can about the people and the culture on the other side and how they have framed the issue at hand.

7. If a future relations with the other side matters to you, gather objective standards and criteria that will show your offer to be fair and reasonable.

8. Don’t expect any negotiations to follow a linear path to a conclusion. Anticipate hitches in the negotiation process.

9. Alter the agenda and intended negotiation process in your favour.

In any negotiation, preparation means understanding your own position and interest, those of the other party, the issue at stake and alternative solutions. It means learning as much as possible your BATNA and reservation price and those of other party’s; the zone within which an agreement can be forged, and opportunities to create new forms of value.

Step 1: Define a good outcome for you and the other side

Never enter into a negotiation without first asking yourself, ‘What would be a good outcome for me? What are my needs? And how do I prioritize them?’ Then ask the same questions from the perspective of the other party. If you cannot identify the other side’s interests, use every communication opportunity to probe for them.

Step 2: Identify potential value creation opportunities

Once you understand what a good outcome would look like from your own and other party’s vantage point, you can identify areas of common ground, opportunities for compromise and ways of making favourable negotiation. Any time you create a new value, we also need to answer the question of who will claim that value.

Step 3: Identify your and other side’s BATNA and reservation price

To prepare for a successful negotiation, you need to define your strongest possible BATNA.

Step 4: Store up your BATNA

Think about anything that you can do to improve your best alternative to a negotiated deal that will put you in a stronger bargaining position. Storing up you BATNA is an important part of preparing for a negotiation, but it is not limited to the pre-negotiation phase. In any good negotiation you always work to improve your BATNA before and during deliberations with the other party.

Step 5: Anticipate authority issues

It is important to make sure that your negotiation counterpart must have full authority to forge an agreement. When you negotiate with the person who has the power to close the deal, you have real advantage:

- All of your reasoning is heard directly by the decision-makers.
- The benefits of the good relationship you have built during the bargaining will likely to be reflected in the agreement and its implementation.
- You reduce the likelihood of disputes or misrepresentation of any parts of the negotiated settlement or particular provision.
If you want the other party to personally desire a deal with you, you will stand a better chance of making that happen by ensuring that the real decision-maker is not somewhere in the background of the negotiation. During the negotiation you need to do whatever you can to identify the real decision-maker. If your final decision-maker is participating in discussions, point out that fact and press the other side to reciprocate.

Try to find out how the other side will make their decision. Is the decision up to one individual? A team? A committee? Find out the existing decision-making process. In many instances we may not be able to negotiate with individuals who retain the final authority. This may also have some advantage. You can explore all opportunities but also can refrain from committing to any agreement. Under these circumstances:

- Confirm the ground rules that all parties will be committing their stakeholders/institutes to any agreement during the negotiation.
- Suggest using the discussion to explore your respective interests to come up with creative options.
- Leave some room in case if the final decision-maker pushes harder in a second round of negotiation.

It is important to determine the authority level of the person with whom you will be negotiating. That will help you to plan your negotiating strategy. Try to ascertain the answers to the following questions:

- Who will participate in the negotiations?
- What is the responsibility of the individual(s)?
- How long she/he is working with this organization/group?
- The organizational structure of the institute? Degree of decentralization in decision-making.
- How is the other negotiator viewed within his/her organization? Is he/she generally respected and listened to, or not?

It may be difficult to obtain all the information. Try to collect as much information as possible. If you learn that the negotiator from the other side has very little formal authority and is not respected or listened to by the real decision-makers, then you have got a problem. Working with this person may simply be a waste of your time. So you need to create a strategy to handle this situation.

### Assessment tool: Authority—theirs and yours

**Their authority**

(Learn as much as possible about the other individuals representing the various stakeholders)

- Who will participate in the negotiation?
- What is the position (title) and the areas of responsibilities of the individuals with whom you will be negotiating?
- How long have they been with this institute? Relevant experiences, and how they are being viewed within the organization.
- Structure of the organization and modalities of operation—decision-making process.

**Your authority** (Confirm in as much detail as possible)

- Commitment to pre-determined agreement
- Final decision subject to formal review and approval.

It is also important to know exactly how much authority you have in the negotiation. If you don't get the authority you seek in a particular negotiation you should not worry about this. Less authority has
its advantages also. Checking with your supervisor can be strategically helpful. It may also free you to exercise more of your own creativity in inventing options for a mutually beneficial agreement.

Step 6: Learn all you can about the other side

Interpersonal relationship is key in any successful negotiation. As much as possible fine answers to:

- Who are the people who will be involved?
- Are they aggressive or are they conflict-avoiding accommodators?
- Is the culture of the organization bureaucratic or entrepreneurial?
- Are they authorized to make a deal or reach an agreement or they will have to get back to seek approval?
- What are they hoping to achieve and how critical is this negotiation for them?

You need to seek answers to these questions not only while preparing for a negotiation but also during the negotiation process.

In order to place yourself in the best bargaining position possible you will still need to anticipate that the other person's interests, goals, concerns, and hopes—as well as how he or she perceives the significance of the upcoming negotiations. The more you know about the other individuals, the better is your ability to come up with an agreement that serves the interest of all parties.

Step 7: Build flexibility into the process

Negotiations do not always follow a predictable or linear path. Unanticipated development can occur. So you must be prepared to be flexible in handling these unforeseen circumstances. To build flexibility into your negotiation process:

- Start with the assumption that the process will not unfold in a predictable, linear fashion.
- Be prepared to change to handle unanticipated developments.
- Treat every change as an opportunity for learning. It is important to be patient when unanticipated delays occur. But never allow these developments to interfere with your ultimate goal.

Step 8: Gather fairness standards and criteria

In any negotiations all parties want to believe that the agreement they reach will be fair and reasonable. If the partners want to have a continuing relationship, a sense of fairness and reasonableness in the negotiations is much more important.

- Research which criteria might best apply
- Be prepared to show why those criteria are relevant. Convince the others that certain criteria and standards are fair and reasonable and be incorporated in the negotiations.

Step 9: Alter the process in your favour

There may be instances where your ideas were being ignored during meetings or formal negotiations. If that happens, it is important to take steps to change the negotiation process. Don’t address the substantive issues in the negotiations. Kolb and William make the following specific recommendations about the process moves.
• Work behind the scene to educate others on your ideas. Try to do this outside formal meetings. Concentrate on people who are respected and convince them that your ideas have merit. If possible form a coalition of support outside the negotiations.
• Reframe the process.

As you prepare for a negotiation, recognize that the process requires time and careful thought.

**Skills for reshaping the negotiation process**

Glaser and Russo (1998) identified a number of skills that could reshape the negotiation process.

1. Maintain your composure. This will encourage the other party to focus on goal of the negotiation: a mutually beneficial accord. Some ideas to consider:
   • Think for a moment about something good in your life. Anything that helps you distance yourself from the discussion.
   • Lighten up the situation with humour if you think the other person will appreciate a good chuckle or laugh.
   • Mentally take inventory of your interests and needs in the negotiation.
   • Take a moment to sum up the goals of the negotiation for the other person.
   • Count up to ten silently.

2. Getting time to think.
   Consider the following techniques for gaining time.
   • Pause and say nothing for several or many seconds.
   • Play back the conversation; for example ‘Let me just make sure that I understand what you are saying’.
   • Take careful notes of what your counterpart is saying
   • Suggest a quick break
   • Resist any urge to make important decisions on the spot.

3. Developing data.
   Try to accumulate as much objective knowledge about the situation as you can during the proceedings. The strategies that can help:
   • Use ‘feelers’ (e.g. what do you think about this idea) instead of presenting direct firm offers.
   • Make notes about your bottom line on important issues and refer to them during bargaining.
   • Ask the other person(s) what his or her priorities are? Time? Cost? Reputation?
   • Pay attention to other person’s body language

4. Refocusing the discussion.
   When the discussion starts focusing on irrelevant topics or emotional issues that cannot be resolved, refocus it on objective information and the underlying needs of both parties. Some ideas:
   • Ask problem-solving questions that prompt you and other persons to collaborate to address an issue.
   • List the underlying needs of each goal/objective and brain storm ways of meeting those needs—there may be other ways of meeting that need.
   • Stop and recall your own needs.
   • Bring outside objective data with the discussion.
   • Work together to list all the common interests you can think of.
5. Handling information strategically. 

Most unprincipled negotiators don’t communicate openly during the discussion. In such cases, how you release and ask for information itself for making the other person feel comfortable exchanging information.

Consider the following ideas for handling information thoughtfully.

- Give the other person reason to trust you by revealing some information. But don’t reveal it all at once in the earliest stages of the negotiation (bargaining).
- Give the person enough time to digest the new information you are introducing.
- Provide one or more strong reasons for proposals you are making, rather than listing as many reasons as possible, including weak ones.
- Watch your counterpart for signals that he or she feels positive about the direction the negotiation is taking.
- Gather objective information to verify the validity of the other person’s statements.

8.3.4 Mental errors in negotiation

There are a number of mental errors that many people commit during a negotiation process. It is good to know them and take corrective actions. Most of them are amenable to self correction.

1. Irrational escalation 
Continuing a previously selected course of action beyond what rational analysis would recommend—over commitment.

Possible reasons:
- Their egos cannot abide ‘losing’
- Don’t want to be seen coming home empty handed particularly when that outcome is highly visible.
- Auctions and other bidding contests that pit individuals against each other encourage irrational behaviour.
- A principal/agent problem is at work.
- People deal with other peoples’ money. Many agents who fall victims to this error take credit for the ‘win’ and charge the costs to their principals.

Remedy:
- Get a firm handle on your alternatives to the deal before you negotiate.
- Before bargaining/negotiation takes place, objectively set a price beyond which good sense dictates walking away.
- Set clear breakpoints at which you and your team will stop and assess where you are in the negotiation and where you are headed.
- Use additional information gained during negotiation to review you walk away price.
- With respect to the principal/agent problem, the best solution is to align the negotiator’s rewards with the economic interest of the share holder.

2. Partisan perception
Partisan perception is a psychological phenomenon that causes people to perceive the world with a bias in their own favour or towards their own point of view. (e.g. Soccer match, cricket match — the behaviour of the referee, Presidential Debate—Both Democrats and Republicans claim that they won).

Effective negotiators know how to stand outside a situation and see it objectively, thus avoiding partisan perception.
Use the following guideline to handle partisan perception.

- Recognize partisan perception as a phenomenon to which we all fall prey.
- Put yourself in the other side’s position. How would the issue look to you then?
- Pose the issue to colleagues (without revealing which side you are on) and solicit their opinions.
- To convey your position to the people in the other party
  - Try to pose the problem as it appears to you, and ask how they view it.
  - Use an analogy or a hypothetical situation to frame the problem as you see it.

Another technique to reducing partisan perception is to REVERSE THEIR ROLES.

3. Irrational expectation

It is difficult to achieve agreements when one or more of the parties have expectations that cannot be fulfilled. Irrational expectations eliminate any ZOPA (Zone of possible agreement)

Possible ways to handle this situation include

- Educational dialogue
- New information
  - As you consider upcoming negotiations ask yourself what your expectations are? Are those expectations realistic? Will the other side have similar expectations on key negotiating points? If there are significant differences in expectation, it is impossible to arrive at an accord. Then think about ways to bring both parties’ expectations in line with fact based reality.

4. Overconfidence

Overconfidence encourages us to overestimate our own strengths and underestimates the strengths of our partners. This may lead to unsuccessful negotiations.

5. Unchecked emotions

Anger and irrational behaviour are often triggered by an offence to one party’s sense of fairness. People will sometimes forgo tangible personal gains rather than be party to an agreement that treats them unfairly.

Bad things can happen when anger takes control of a negotiation. The parties stop focusing on logic and rational self interest. Partners can cause huge damage when they allow their emotions to run rampant. Ways to handle unchecked emotions include:

- Agree to a cooling-off period.
- Determine what is making other partner angry.
- Acknowledge the problem. Respond to what appears to be the emotional problem. Express empathy for what the problem means to the other partners.
- Keep the focus on issues and processes.
  - Remember people are most often angered and frustrated at a personal level by perceived deception, unfairness, humiliation, or loss of pride or lack of respect. Avoid these landmines by focusing the negotiation on the issues and problems instead of an individual and their personalities.

8.5 Facilitation skills

In broad terms, facilitation is the process of making something easier or less difficult. In development activity, ‘facilitation’ is used in the context of group meetings or workshops in which basically a neutral person with no decision-making authority helps the group to be more efficient and effective when planning, implementing and monitoring and evaluating meetings and workshops.

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Meetings are held for a variety of purposes. Some are held simply to pass information from the leader to the group, and are straightforward. Special leadership is needed for planning or problem-solving meetings or whenever group participation and involvement is required. For these meetings, leaders must be able to use facilitation skills competently. In addition to encouraging participation, facilitation skills ensure that communication will be clear and more accurate.

When a meeting leader uses facilitation skills well, people contribute, meetings are productive, and the leader's work appears effortless. It looks natural. Because it looks so natural, people often assume that meeting leaders are born and not made. Although there is some truth to this, it is also accurate to say that certain skills can be learned that will significantly improve your ability to lead meetings. The facilitation skills contribute to partnership management in a number of ways. These are summarized in Box 2. The roles of a facilitator are summarized in Box 3 and the attributes of a good facilitator are presented in Box 4.

**Box 2: Benefits of facilitation skills**
- Increased ability to manage diverse groups at all stages of the project cycle
- Improved skills for managing conflict
- Better utilization of local knowledge, resources and capacities
- Enhanced collaboration, co-ordination and understanding amongst project stakeholders
- More committed and timely group action
- Increased management capacity of partners
- More effective meetings and partnerships.


**Box 3: Roles of facilitator**
- Main role is setting the initial mood or climate of the group
- Helps to elicit and clarify the purposes of the individuals in the group as well as the more general purposes of the group
- Relies upon the desire of each participant to implement those purposes that have meaning for her or him as the motivational force behind significant learning
- Organizes and makes available a wide range of resources for learning
- Act as a flexible resource to be utilized by the group
- May share opinion without any imposition, the group member may take it or leave it
- Should be alert to expression that indicate deep or strong feelings
- Should recognize and accept his or her own limitations


There are four very important facilitation skills that a meeting leader must use effectively: asking questions, mirroring, paraphrasing, and summarizing. These skills are simple in concept, but they are not necessarily simple to carry out. With continued practice, meeting leaders can become very adept in using these skills.
Box 4: Attributes of a good facilitator

- Is neither a content expert or a lecturer
- Keeps the group focused on task and processes
- Remains as objective as possible
- An informed guide help the group to chart its course and accomplish its goals
- Listens more than talks
- Adopts to various learning styles
- Encourage maximum participation of all individuals
- Protects members of the group from attack by others
- Gender and culturally sensitive
- Energizes a group or slows it down, as needed
- Recap periodically to make connections between sessions.


Asking questions

Asking questions is a critical facilitation skill. You can ask questions in two ways: as closed questions or as open-ended questions.

Closed questions

Participants can answer a closed question with yes, no, or another one word response. You should only use this type of question when you want precise, short answers. Otherwise, such questions tend to inhibit discussion. Here’s an example of an exchange based on closed questions.

Meeting leader: Do you think that recommendation will work?

Participant: No.

Open-ended questions

Open-ended questions require the respondent to elaborate. The question ‘What do you like about that recommendation?’ seeks information and therefore is open-ended. How, what, and why are words that begin open-ended questions.

Meeting leader: What did you like about that recommendation?

Participant: I think it is a good strategy for resolving the issue, and one we can implement without expending a lot of resources.

Meeting leader: What kind of progress are you making against your financial goals for this quarter?

Participant: Let’s consider the first goal… our results are as follows…

Mirroring

Mirroring is a process of capturing and repeating the exact words told by the speaker. It is also considered as a formal version of paraphrasing. It helps to make people feel that they are heard. It can also help the facilitator to be perceived as neutral to the ideas or views being mentioned by participants.
It sometimes helps to speed up the process of discussion when discussions are slowed down and people are silent.

In practice if a speaker says a single sentence the facilitator repeats it without altering the words.

E.g. Speaker: The issue should be resolved today.
Facilitator: You said ‘The issue should be resolved today’.

However, if the speaker says more sentences beyond what the facilitator can repeat as they are, the facilitator should repeat key words or phrases.

Speaker: The issue should be resolved today. However, it is up to the participants to decide what is worthy for them. I don’t want to dominate the proceeding.
Facilitator: You said ‘The issue should be resolved today, participants deciding what is worthy and without you dominating’.

Paraphrasing

Paraphrasing is simply restating in your own words what another person has said. The prefix *para* means *alongside*, as in the word *parallel*.

The process of paraphrasing is very much like catching a ball and throwing one back—except the ball you throw back is your own and perhaps a bit different from the original ball. Nonetheless, it is still a ball. You can throw back the other person’s ideas by using such beginning phrases as:

- You are saying...
- In other words...
- I gather that...
- If I understood what you are saying...

The best way to paraphrase is to listen very intently to what the other person is saying. If, while the other person is talking, we worry about what we are going to say next or are making mental evaluations and critical comments, we are not likely to hear enough of the message to paraphrase it accurately.

It is helpful to paraphrase, so that you develop a habit of doing so. You can even interrupt to do so, since people generally don’t mind interruptions that communicate understanding. For example, you might say:

Pardon my interruption, but let me see if I understand what you are saying...

Or, you might respond as illustrated in the following examples.

Example 1

Participant: *The basic problem seems to be that some people don’t know how to use the management information system.*

Meeting leader: *In other words, you see the problem as lack of know-how.*
Example 2

Participant: *I think the most important thing is to tell the staff member clearly and directly how (s)he is contributing to the problem.*

Meeting leader: *So you are saying it’s important to tell the staff member directly what kind of impact (s)he is having on the problem.*

Summarizing

The purpose of summarizing is to:

- pull important ideas, facts, or data together
- establish a basis for further discussion, or to make a transition
- review progress, and
- check for clarity or agreement.

By using the summarizing technique in a meeting, you can encourage people to be more reflective about their positions as they listen for accuracy and emphasis.

Summarizing requires you to listen carefully in order to organize and present information systematically. Summaries ensure that everyone in the meeting is clear about what transpired in the just completed portion of the discussion.

For example, as a meeting leader, you may summarize to ensure that participants remember what has been said or to emphasize key points made during a group discussion. Or, perhaps most importantly, you may use summarizing as a way to reach a decision or bring closure to a topic and move the meeting on to the next agenda item. In these instances summarizing is very useful.

Here are some starter phrases you can use to begin a summary.

- There seem to be some key ideas expressed here...
- If I understand you, you feel this way about the situation...
- I think we agree on this decision — what we are saying is that we intend to...

A real value of summarizing is that it gives you the opportunity to check for agreement. If people do not agree, it is better for you to know during the meeting than to find out later when a task is not completed or a deadline is missed. One of the most common meeting complaints occurs when participants think an agreement has been reached, yet things do not occur as planned afterwards. In many instances, this problem occurs because there was not really agreement during the meeting.

As an example of summarizing, assume that someone named Joan has talked for three or four minutes, and you summarize as follows:

*Let me see if I have it straight, Joan. First, you say the work is boring, not carefully scheduled, and finally, you are concerned about the number of hours people are expected to work, correct?*

In another example, the meeting discussion has gone on for several minutes and you summarize as follows:

*In talking about this issue, we have come up with three main points...*
Other facilitation skills

There are a number of other helpful facilitation skills. Some are verbal, others non-verbal. Here are some examples.

- Nodding one's head or saying *Uh-huh*.
- Picking up on the last word or two of someone else's sentence.
- Repeating a sentence, or part of a sentence.
- Saying *That's good, does anyone have anything else to add?*

Some of the useful tips to follow during facilitation are summarized in Box 5.

**Box 5: Tips for effective facilitation**

- Be alert to signs of confusion/body language
- Don't do the group's work
- Circulate but don't become part of a group
- Spend sufficient time in each group to ensure that they have grasped the tasks
- Review tasks if groups are having difficulties
- Frequently check whether there are questions
- Give members time to answer questions
- You are not an expert/don't pretend that you are an expert, frequently remind the group that you are a facilitator.
- Be flexible: Changing something does not mean that you planned poorly; but probably means you are listening, watching and adjusting your plan to fit the situation.
- Relax!!!

Key references


Session 8: Exercise: Understanding the techniques for effective negotiation

Phase 1. Individual exercise

Divide participants into groups each with three members.

1. Allocate one role for each member (Dr PW Mutinga or Dr Banta or Observer.)
2. Ask the observers from all the groups to come together. Then give them the handout, which explains their role. Ask them if the instructions are clear and give explanation if required.
3. When the explanation to the observers is over ask them to join their group.
4. (Make sure that each group has one Dr PW Mutinga, one Dr Banta and one Observer). Place the groups far away from each other.
5. Give the handouts meant for Dr PW Mutinga and Dr Banta and allow them to read and understand their role. (Make sure that the handouts distributed are given to the correct person playing the role). (7 minutes).
6. When they are through with their reading, ask them to start designing their tactics to negotiate with Mrs RH Thelo. (7 minutes).
   • Note: make sure that all groups start the discussion process at the same time.
   • Instruction to groups:
     • Explain that they should not reveal the ‘answer’ to the other group members after finishing the discussion in their groups.
     • Ask each group to come back after 7 min and negotiate with Mrs R.H. Thelo about the 3000 Ugli oranges.

Phase 2. Plenary discussion

7. When all are back, organize the negotiation process with Mrs R.H. Thelo (rich farmer, South America who has the only 3000 Ugli oranges left in the world). Each group will come one after the other and negotiate with Mrs R.H. Thelo.
   • Note: Start with those groups which have been indicated by the observer as not discovering ‘the solution’ yet.
8. Explain which group came up with the best negotiation tactic and why. Indicate the problems of the groups which failed to get the correct answer.

Phase 3. Closure

9. Discuss the importance of focusing on interest rather than positions.
10. Move on to explaining the principles of negotiation.

A role for Dr Banta—Ugli orange case

You are Dr Banta, a biological research scientist employed by a pharmaceutical firm. You have recently developed a synthetic chemical useful for curing and preventing Rudosen. Rudosen is a disease contracted by pregnant women. If not caught in the first 4 weeks of pregnancy, the disease causes serious brain, eye, and ear damage to the unborn child. Recently, there has been an outbreak of Rudosen in your State and several thousand women have contracted the disease. You have found, with volunteer victims, that your recently developed synthetic serum cures Rudosen in its early stages. Unfortunately, the serum is made from the juice of the Ugli orange, which is a very rare fruit. Only a small quantity
(approximately 4000) of these oranges was produced last season. No additional Ugli oranges will be available until next season, which will be too late to cure the present Rudosen victims.

You have demonstrated that your synthetic serum is in no way harmful to pregnant women. Consequently, there are no side effects. The Food and Drug Administration has approved the production and distribution of the serum as a cure for Rudosen.

Unfortunately, the present outbreak was unexpected and your firm had not planned on having the compound serum available for 6 months. Your firm holds the patent on the synthetic serum and it is expected to be a highly profitable product when it is generally available to the public.

You have been recently informed on good evidence that RH Thelo, a South African fruit exporter, is in possession of 3000 Ugli oranges in good condition. If you would obtain the juice of the 3000, you would be able to both cure the present victims and provide sufficient inoculation for the remaining pregnant women in the State. No other State currently has a Rudosen threat.

You have recently been informed that Dr PW Mutinga is also urgently seeking Ugli oranges and is also aware of Thelo's possession of the 3000 available. Dr Mutinga is employed by a competing pharmaceutical firm. S/he has been working on biological warfare research for the past several years. There is a great deal of industrial espionage in the pharmaceutical industry. Over the past several years, Dr Mutinga's firm and your firm have sued each other for infringement of patent rights and espionage law violations several times.

You have been authorized by your firm to approach Thelo to purchase the 3000 Ugli oranges. You have been told s/he will sell them to the highest bidder. Your firm has authorized you to bid as high as USD 250,000 to obtain the juice of the 3000 available oranges.

Before approaching Thelo, you have decided to talk with Dr Mutinga so that you will not be prevented from purchasing the oranges.

A role for Dr Mutinga—Ugli orange case

You are Dr PW Mutinga, a biologist for a pharmaceutical firm. The firm is under contract with the government to do research on methods to combat enemy uses of biological warfare.

Recently, several World War II experimental nerve gas bombs were moved from the USA to a small island just off the US coast in the Pacific. In the process of transporting them, two of the bombs developed a leak. The leak is presently controlled, but government scientists believe that the gas will permeate the bomb chambers within 2 weeks. They know of no method of preventing the gas from getting into the atmosphere and spreading to the other islands, and very likely to the West coast as well.

You have developed a synthetic vapour that will neutralize the nerve gas if it is injected into the bomb chamber before the gas leaks out. The vapour is made with a chemical taken from the rind of the Ugli orange, a very rare fruit. Unfortunately, only 4000 of these oranges were produced this season.

You have been recently informed, on good evidence that RH Thelo, a South African fruit exporter, is in possession of 3000 Ugli oranges. The chemical from the rinds of this number of oranges would be
sufficient to neutralize the gas if the serum is developed and injected efficiently. You have also been informed that the rinds of these oranges are in good condition.

You have also been informed that Dr JW Banta is also urgently seeking to purchase Ugli oranges and s/he is also aware of Thelo’s possession of the 3000 available. Dr Banta works for a firm with which your firm is highly competitive. There is a great deal of industrial espionage in the pharmaceutical industry. Over the years, Dr Banta’s firm and your firm have sued each other for infringement of patent rights and espionage law violations several times. Litigation of two suits is still in process.

The Federal Government has asked your firm for assistance. You have been authorized by your firm to approach Thelo to purchase the 3000 Ugli oranges. You have been told s/he will sell them to the highest bidder. Your firm has authorized you to bid as high as USD 250,000 to obtain the rinds of the 3,000 available oranges.

Before approaching Thelo, you have decided to talk with Dr Banta so that you will not be prevented from purchasing the oranges.

Role of ‘observer’

(for ‘two-person bargaining’: The Ugli orange case)

You will be observing a bargaining between Dr Mutinga and R Banta, both of whom are research scientists for competing pharmaceutical companies. Both are urgently in need of securing 3000 Ugli oranges possessed by Ms Thelo, a fruit exporter form South Africa. In an attempt to resolve the conflict, the scientists are meeting at the request of Dr Mutinga who hopes to persuade his counterpart to let him have the oranges. In reality, however, their needs are not in direct conflict, since Dr Mutinga needs the rind of the oranges and Dr Banta needs the juice.

As the observer you should remain as unobtrusive as possible. Simply listen to the conversation, but DO NOT TRY TO INTERVENE OR INFLUENCE IT IN ANY WAY. At the end of the exercise you will be asked to comment on the bargaining session you observed. Below are some suggestions for what to notice about Dr Banta and Dr Mutinga’s interaction.

How did the bargaining begin? What tone was set by the early remarks?

Did the participants readily exchange information or were they more guarded?

When (if ever) did disclosure about their specific needs (e.g. rind or juice of the oranges) occur?

What prompted this disclosure? Note approximately how long this discovery took and how it occurred.

What factors operated to prevent such disclosure or to enhance it?

During the negotiations:

The facilitator will come around and ask you to indicate to him/her ‘yes’ if the negotiations have made the rind/juice discovery and ‘no’ if they have not. This will help the facilitator in the debriefing of the exercise.