

CD corporate disputes

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**The return of the
smartphone wars**

EXPERT FORUM

**Options for directors
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PERSPECTIVES NEGOTIATION – THE NEW ART OF WAR

BY **TONY BELAK**

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This article is designed to improve communication and listening skills in order to move from win-lose (position based) outcomes to mutual gains win-win (interest based) results in negotiations. Readers will learn and practice interest-based negotiation, moving from divisiveness to synergy, adversarial to collaborative communications, compromise to consensus, threats and solutions to interests and needs, and combativeness to mutual problem solving. We will discuss the costs associated with conflict, how you can resolve a conflict situation

through seven progressive steps, and what is required of you to become a better negotiator.

This article will determine the styles of conflict management and when to use each; it will also discuss the role you play in conflict and identify the conflict culture of your organisation.

Negotiation is the art of getting what you want, and the key to being a successful negotiator is to be prepared. You should want to have a systematic preparation to each negotiation and always be polite and mannerly, yet logical, reasonable, persistent and patient. You will also want to address relationships



issues of the negotiation separately from the substantive issues, separating the people from the problem.

Negotiation is problem solving with more than one party, with the solution to the problem resolving the conflict. Negotiation is a shared decision involving those people involved in the conflict. It is a complex process, but we do it every day. Some of us are better at it than others, but we can all become better negotiators. Effective negotiation occurs when both sides get something from the interaction. If you know what's important to you, and you know what's important to the other side, you need not fear the result of a hundred negotiations.

"If you know the enemy and know yourself, you need not fear the results of a hundred battles. If you know yourself but not the enemy, for every victory gained you will also suffer a defeat. If you know

neither the enemy nor yourself, you will succumb in every battle" – Sun Tzu, *The Art of War*

Communication and negotiation skills

Communication and listening skills are vital in order to move from win-lose outcomes to win-win results in negotiations. The negotiator must create a supportive communication climate and actively listen to all parties and express interest in each speaker. You must learn how to listen to understand rather than merely listening to respond and how to identify and move people from positions to interests. There must be a conscious effort to hear and understand what is really being said and encourage the parties to seek first to understand each other. You must know that the most important part of communication is hearing what is not being said.

Listening

Listening is so basic we take it for granted; unfortunately, most of us think of ourselves as better listeners than we really are. Genuine listening means suspending all memory, desire, judgment, and, for a few moments at least, being present for the other person.

When the communication process breaks down, we might assume the other person did not say what she meant or did not hear what we were saying. Good communication means having the impact you meant to have, but every message must pass through a filter of the speaker's clarity of expression and the listener's ability to comprehend what was said. Immediately after listening to someone speak, we usually can recall only half of what we heard and remember only about 20 percent of that within two days. Also, we have different listening styles, which can complicate effective communication. It has been rumoured that all communication occurs in the mind of the listener.

Active listening for effective communication – showing respect to the speaker

Look at the speaker and always keep the other person in view, so you can observe reactions and

body language and generally maintain eye contact with the speaker.

Show that you are interested in what the speaker is saying. Encourage by unobtrusive use of "yes", "I see", "uh hum". Use positive body cues at appropriate points, such as nods, smiles, note taking, furrowed brow, etc.

"Listening is so basic we take it for granted; unfortunately, most of us think of ourselves as better listeners than we really are."

Most of the time, lean slightly forward toward the speaker. Keep an open, relaxed posture and keep physical movement to a minimum.

Engage the speaker by looking for opportunities to subtly mirror her cues. Do not mimic, but look for ways to be congruent. For example, if she speaks slowly, match the cadence.

Draw the speaker out. Say something like, "I'd like to hear a little more about that, could you elaborate?"

Try to listen to what is being said. What is missing that you might expect to hear in these circumstances?

Observe how things are said. The emotions, the attitudes behind the words, may be more important than what is actually said. Look beyond the mere words the speaker uses and remember the importance of tone of voice and body language and posture.

Say little yourself. You cannot listen while you are talking.

Show that you are listening and interested by asking questions, and giving feedback, reframing and summarising. Be careful, however, in the early stages to not interrupt the speaker's flow.

Conclusion

Negotiation is a complicated interaction of many facets of self and others, and to be successful it must always conclude with you getting what you want. You should aim for mutual satisfaction, not victory, in every negotiation you do, and that involves trust.


When trust exists in personal and professional relationships, almost everything else is easier and more comfortable to achieve, including problem solving and conflict resolution. When our actions are consistent with our words, trust can be achieved and arises from our interdependence with others to achieve outcomes we value. Because cooperation cannot be compelled, social interactions are valuable as a foundation for confidence or belief one feels toward another or others to overcome doubt or fear. Trust is the mortar that holds together the stones of the arch we walk through in fulfilling

relationships. When trust weakens, the rubble of broken expectations and implied promises impairs communication and recognition of the other person as value to co-existence or cooperation.

Negotiation can be an exercise in trust-building. Trust in business, the workplace, or anywhere we engage with others is essential for durable, satisfying and rewarding relationships and is achieved through productive communication, understanding, and respect. It is an assessment that one will not deliberately, accidentally, consciously or unconsciously take unfair advantage of another and a person's self-esteem, status, relationship, career and even life are placed in the hands of another with full and total confidence for safety and protection. Parties must behave consistently over time to build trust and follow through on promises made. In order to achieve this level of trust, all parties must explain expectations, agree to necessary steps to complete expectations, sanctions for not meeting expectations and procedures to measure outcomes. Trust contains a strong emotional component, and parties should be able to share their expectations for one another, bargain for expected behaviours, and openly acknowledge mutual distrust. Expectations are created with or without collaboration, and unilateral expectations, when broken, always hurt the most.

The link between rebuilt trust and conflict resolution involves de-escalation; for any conciliatory action to be effective it must involve sufficient trust. The negotiation paradox is that in order to trust

another, one must risk personal loss again. We often demand proof of trustworthiness before a willingness to trust again is considered. Regrettably, one side must take the risk in a leap of faith to launch the negotiation over with more accurate perceptions and clearer communication. Unwillingness to do so will irreparably damage the relationship and diminish negotiations. Reciprocity requires someone to go first with the hope that the risk of trauma to the person or psyche will be rewarded with a response worth the value of what can be. Hope is the winged angel with a double edged sword – one blade is trust and the

other despair. Negotiation is the hope that together the parties might find satisfaction in an outcome that preserves the relationship and attains the needs expressed. In negotiations, honesty contributes to trust and trust contributes to success. 

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The **International Center for Compassionate Organizations** (ICCO) works to foster cultures of compassion in government, business, healthcare systems, service agencies, colleges and universities, schools, faith groups and other organisations worldwide. The ICCO responds to the emerging trend among a broad range of organisations seeking to incorporate compassion as a value and practice in their relationships with their staff, colleagues, board members, customers and communities. The ICCO develops practical research, resources, education, consulting, coaching and conferences. It takes a nonpolitical, evidence-based and public health approach, and assists organisations to effectively improve employee engagement, productivity, staff retention, profitability and customer satisfaction.

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