



SAVAGE | MANAGEMENT LTD.

"coaching negotiators and leaders to new peaks"

Negotiator's Notebook: Design the Negotiation

Building an agreement, business relationship and our reputation is significant and deserves far more preparation, planning and engagement than we most often give it.

With over 100 volunteers from the Canadian petroleum industry, in 2004 we developed the Let's Talk Handbook on Company to Company Conflict Management (www.c2cadr.org). A key recommendation of our Council was (and still is) that parties put the conflict aside and meet to discuss the alternative paths to resolution (negotiation, facilitated discussion, mediation, arbitration, litigation, hearing....). There is no discussion of the positions and respective interests of the parties. There is a discussion on what resources are needed, what experts, what references, what are the precedents, what is the schedule, what will this do to the relationship of the parties beyond this conflict.... This Situation Assessment Meeting (S.A.M. or preliminary dispute resolution meeting as thereafter termed by the Energy Resources Conservation Board) brings the parties with the authority together (most often for the first time). Once the parties focus their attention to the conflict beyond their positions, they make informed decisions as to what dispute resolution path they choose, what third parties they need to engage (at times a neutral expert is brought in rather than having duelling experts) and what commitments they may make to one another. The parties are now seeing the conflict and the possibilities together. And the very frequent result? Within a short time, they resolve the conflict themselves by negotiation.

Now apply this experience to your business negotiations. Rather than launching into the negotiation straight away, meet with the other party to design the negotiation. Design the negotiation in the same manner as a S.A.M. (Situation Assessment Meeting). Information to be explored includes;

- a) Are their priorities complimentary to yours? How are they different?
- b) Does their time line align with yours?
- c) Where are your "interests" (not working interests) similar and where are they different?
- d) What resources do you need to make this work?
- e) Who is accountable for what in creating this agreement?
- f) If you two could create a bigger, more powerful, mutually rewarding and crazy amazing outcome, what might that be?
- g) What/ who are the challenges and barriers that must be addressed?
- h) How do you measure success?
- i) How do you build in accountability and consequences (positive and negative)?
- j) When this succeeds, what else may be possible?

- k) How do you support one another in getting the ultimate agreement approved within the respective organizations?
- l) Do you have agreement between the two of you on how to proceed? If not, what is needed?

Do you see the pathway this may open for you, your organization and the future? Who are you as a negotiator? Are you and your company worth the time, resources and energy it will take to design the negotiation? Is this important? Or is this just another “cookie cutter” deal? Sometimes the deals we work on are small and quick. Often, we can simply move ahead because of the trust and experience between the two negotiators. Sometimes even the small deals take forever and we just get very frustrated.

At times, our negotiations feel like we are spinning our wheels on ice going up a hill on a highway. Perhaps, taking the time to put the snow tires on before that trip would get us where we wish to go far faster than sticking to the “all season” tires.

Build the communication, trust and relationship and then build the agreement.

Challenge: during the next seven days choose one negotiation to “design”. Do it. And notice what happens.

Article by David B. Savage BA (Econ), P.Land, ACC www.savagemanage.com All rights reserved 2011