



## Peaceful Conflict Resolution

Communication, Negotiation, and Mediation



**CEMPROC**  
Center for Mediation, Peace, and Resolution  
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## Peaceful Conflict Resolution: Communication, Negotiation, & Mediation

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*excerpt from:*

Training manual for CEMPROC –  
International's basic Conflict Resolution  
course  
English edition

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## Negotiation

In situations of professional disagreements and conflicts, it is often necessary to negotiate. **Negotiation** is *the process between two or more people or groups with different goals in which the parties work to achieve an agreement that both can accept.*

Generally we think of negotiation as being chiefly for businesspeople, but in reality, we all negotiate every day. When you argue with a child about eating her vegetables, when you buy tomatoes at the farmer's market and ask for a discount, or when you ask for a raise from your boss, you are negotiating.

### *Interests vs. Demands*

The most important thing to remember during a negotiation is that the demand—what one asks for at the beginning, which would be ideal—is not the same thing as the underlying interest on which the demand is based. An interest is the cause or reason for the demand. It is important to remember this reason, because it is sometimes possible to satisfy the underlying reason, or interest, even though the original demand from the beginning of the negotiation may not be met. One of the central tasks at the start of a negotiation is to discover the other person's (and your own) interests that are hidden under the positions or demands. To illustrate this idea, consider the story of the Two Sisters and the Orange below, then practice negotiating with your group by seeking common interests.

Two sisters were once in a heated argument over an orange. Both little girls wanted the orange, but there was only one of the delicious fruits in the house (and they had no money to buy another one). They fought and yelled until it seemed that the only solution would be a compromise, cutting the orange in half and each child receiving only half of what she wanted. Right then, however, the girls' mother came into the room, listened a moment, and then asked each one why she wanted the orange. One sister wanted to grate the orange peel for some orange marmalade that she was making for a school cooking project. The other sister explained that she wanted to squeeze the juice from the orange so that she would have a refreshing breakfast beverage. After telling their mother why they wanted the orange—in essence, telling their underlying interests—the sisters realized that their *interests*, although not their *demands*, were compatible. The first girl could grate the orange skin and then give the inside part to her sister so that she could extract the juice. By recognizing that their interests were not directly opposed, each sister was able to have 100% of what she wanted, rather than having to settle for only half.



## Power

One important tool that is used in negotiation is power—one party generally has more power, and this inequality can be large or small. Power can be roughly defined as the ability to cause others to do what one wants them to do. We must recognize that there are different types of power, which come from different sources, and that sometimes we possess a form of power without realizing it.

The following figure contains seven of the major sources of power. Review the diagram and consider why these sources are important:

- The emotions of fear and hope are very powerful; for this reason, someone who can reward or punish another has a good bit of power. A police officer who can arrest and jail young delinquents on the street has **sanction power**, or the power to punish; a grandmother who has coins to buy her granddaughter an ice cream cone if she behaves well has **reward power**.
- It is said that “knowledge is power,” and this certainly is true with **expert power**. People who know more than others about a particular subject have a form of power, especially with respect to that subject, because other people trust and heed their advice and opinion on the matter.
- The next type of power is the **power to persuade others**, which comes from a person’s ability to convince others of something. If someone is able to use his or her words to achieve a change of actions or attitudes in someone else, that person has this type of power.
- **Legitimate power** is the most obvious type—it comes from an official title or office. The director of an office, the principal of a school, and the President of a country all have legitimate power because of their titles as bosses. Although this is an obvious and familiar form of power, it can also be one of the weakest types. If a person has no other personal qualities or sources of power aside from the title

## Sources of Power



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- of boss, the subordinates could lose respect for the boss, and it is possible that they could begin to reject, or at least undermine, his or her orders.
- When we like someone, we want to do what they request if it is reasonable; this phenomenon is called **venerable power**. A person who is friendly, generous, or respected by the community for his or her personal qualities has this type of power.
  - The final type of power is **empathy power**. When someone believes that you really understand their problem and can see it from their perspective, you have more influence on that person because of your empathy. Your suggestions are more likely to be heeded because of the trust that is created by your perceived understanding of their feelings. Similar to venerable power and the power of persuasion, empathy power comes from the influence that is exercised by a sympathetic person who listens and understands the other's problems.

It is important to recognize all of the types of power, because when you negotiate, you may sometimes think that you have no power and could end up with an agreement that is worse than you could have achieved. Even if you have little money (reward power) and don't have the title of boss (legitimate power), it is worthwhile to think about whether you have a different type of power that you can use during the negotiation.

### **ICON**

Effective principled negotiation, and the techniques needed to do it, can be remembered by using the letters I-C-O-N<sup>1</sup>. The following text will explain the meaning of these letters in the context of negotiation:

<b>I</b>	nterests
<b>C</b>	riteria
<b>O</b>	ptions
<b>N</b>	o-Agreement Alternatives

As mentioned earlier, **interests** are the keys to any negotiation, so parties must first of all know their own fundamental interests that are the basis for their demands or positions. Furthermore, each party should try to figure out the interests of their opponent as well, because if common interests can be identified, the possibility of building a viable, durable agreement are increased.

In a negotiation, one side generally tries to convince the other side that their position is correct and that the agreement should be similar to their own proposal. In order to convince the other party, negotiators use objective **criteria**, or established rules that support their own position. These should be existing criteria that both parties respect; the price of similar products in neighboring stores, rules of an organization to which both parties belong, or a report from a neutral accountant. The stronger and more respected the criteria is that a party uses, the more convincing is their argument.

Toward the end of a negotiation, the chief task is seeking **options** that could be used as part of a final solution or agreement. When the other party presents options or a

<sup>1</sup> Lum & Wanis-St. John, A New ICON for Negotiating Advice, Mediate.com



proposal, it is a good idea to consider them carefully, looking for parts with which you are in agreement. If you find potential areas of agreement, you can use this as a basis to move closer to a deal: “Well, that is a good start; I completely agree with you about \_\_\_\_\_. Do you think we could consider adding \_\_\_\_\_ to that useful foundation?” Because you have not flatly rejected the option that the other party has proposed, there is a more positive climate to move forward in an open and creative process, generating more options that can benefit both sides.

Preparation is extremely important in a negotiation, but throughout the process, you must consider your best alternative—what will happen if an agreement with your opponent cannot be reached through the negotiation. This **No-Agreement Alternative** should always be in your mind. When you are considering whether to accept or reject a proposal, and ultimately the final agreement, you should compare the proposal to your alternative (what you can do or what will happen outside of the negotiation, with no help from your opponent). If the proposal or potential agreement is better than the alternative and you can’t achieve a better agreement, it is probably a good idea to accept the proposal, even if it doesn’t seem as attractive as you would like.

### *Negotiation and Personal Style*

Think back to your personal conflict management style that you discovered earlier in the course through the Thomas-Kilmann survey. This style will affect your negotiations just like any other conflict in which you participate.

Every negotiator has a different style; some very competitive people use whatever method they can to win their position, even at the expense of the relationship with the other person. People with a collaborative style tend to want to talk a lot about interests and to seek a creative solution that satisfies both parties, but the other person could take advantage of this style of cooperation and collaboration to force through more of their positions.

For this reason, it is essential to know your own style before engaging in negotiation and to plan your strategy in a way that best uses your style. You know that you have an accommodating style, in which you yield your position and do what the other person wants in order to avoid conflict—and perhaps you also know that your counterpart has a very competitive style. In this case, you should think about whether you need to let a more competitive friend or colleague do the negotiating for you, or at least whether you should invite such a friend to accompany you and step in if there are problems. There is no completely correct style nor any that are completely wrong, but if you recognize the situations in which your particular styles are the most useful and those in which they will create problems, you can plan your strategy with this consideration in mind.

Anyone who has negotiated much at all knows that not everyone plays nicely or fairly when negotiating, and that this can result in a severe disadvantage to those who do try to observe certain rules or guidelines. The table below lays out some of the most common tactics and dirty tricks that are employed in negotiations, and provides some suggestions for how to protect yourself against them.



## Tactics and dirty tricks in negotiations, and how to protect yourself\*

<u>Tactics</u>	<u>How to protect yourself</u>
Lies about the bottom line and alternatives	Be skeptical about what the counterpart says about his bottom line and alternatives, unless you know and trust him.
Too good to be true—making a very attractive offer to hook the other person in and gain commitment, then later adding or revealing details that raise the price	Ask detailed questions at the beginning to find out exactly what is involved in the offered agreement and if there is a catch.
False or dummy issues (the other side creates false or dummy issues that they pretend to care about so that they can give these up in exchange for real concessions from you)	Try to determine and understand the underlying interests of the other party in order to be able to identify any false or dummy issues.
False authority tactics	If you doubt that the other person has authority, ask for some proof of authority. In order to avoid dealing with people who say they have no authority (even though they do have it), try to avoid working with intermediaries if possible, and make the offer directly to the boss. Also, be careful with “normal provisions” in a contract—make sure that they are in fact normal and required.
Overcommitment (the other side drags out the negotiation process and sometimes only sends subordinates to negotiate, which means that you have more time and effort invested than they do, and that you will find it harder to walk away from the negotiation than they do)	Be careful to note how much time and effort you have invested in a negotiation, and ask yourself if the other party is as committed and invested in the process as you are.
Good cop/ Bad cop (2 negotiators work as a team—one is very tough, while the other pretends to be your friend and teams up with you against the “bad cop” to win over your trust. The “good cop” then convinces you to go along with his proposal.)	Recognize the tactic, name it, and refuse to play along with it.
Consistency traps (they try to trap you by getting you to agree to an innocent-sounding principle, then trying to force you into accepting their proposal by showing how it is the logical result of the principle you have agreed to)	Before accepting a norm or principle that the other party proposes, think carefully about all sides and implications of the principle. Also, give yourself room to maneuver by hedging your agreement to the principle in case it is a trap.
Reciprocity traps	The norm of reciprocity is central to negotiations. Insist that the other side use it too.
The Nibble (raising a small, additional matter or demand at the end of the negotiation, just before an agreement can be reached)	Say no to the request, or insist on something in return for the concession.

\*Adapted from Shell, G. Richard (1999). *Bargaining for Advantage*. New York: Penguin Books.



### *Ethics in Negotiation*

Ethics are our personal values, principles, and moral convictions. Every person has different priorities, experiences, and values. For this reason, it is difficult to create one universal rule of ethics that applies to all people in every situation. In fact, the most important thing is to think carefully about your own principles and to have a consistent personal set of values that you apply in every situation, and that you would be comfortable explaining and defending to others.

The minimum with respect to negotiating ethics is to obey the law. This, however, is not usually sufficient as an ethical guide—many people believe that it is usually (or always) bad to lie, cheat, and take advantage of another person’s generosity, none of which is illegal. It is important always to act with your reasoned set of values in mind, and that your actions reflect your ethical beliefs instead of the momentary impulse to win at all costs.

In order to illustrate the differences between different people’s values, read the following cases together as a class, consider whether the person in each case has behaved ethically or not, and compare your response (through secret vote) with that of your classmates. Discuss the reasons why you made each decision, and listen to the reasons that others give. You may be surprised by the diversity of opinions that you find.

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#### *Activity: Negotiation Ethics*

1. Diana needed to sell her apartment, because she had to move in two weeks and very much needed the money from the sale. She placed an ad in the newspaper listing the price as \$38,000. One man called her the next week and offered \$30,000 for the apartment. The time to sell was running out—she only had one more week, and there had not been any other interested buyers. She really needed the \$38,000, however; if she only got \$30,000, she would have to take out a high-interest loan in order to be able to afford to move. Although there were no other interested buyers at the time, Diana told the man, “I can’t accept only \$30,000. In fact, there is another gentleman who is interested in the place, and he is coming tomorrow afternoon. He has indicated that he would be willing to pay \$37,000, so if you want to buy the apartment, you need to do it soon.” The man, worried that he might miss out on the opportunity to buy, agreed to come the next morning and pay \$37,500 for the apartment. Was Diana’s action acceptable?  
Yes  
No
  
2. Herman walked into a discount furniture store to look for an end table for his living room. Immediately, he saw the perfect one in the window—made of beautiful dark wood, it had elegant detail work and a fine leather top. When he looked at the price, however, Herman’s jaw dropped. It cost \$695. He told the salesperson that he really liked the table, but that it was too expensive. The salesperson asked if he lived in the area, and when Herman indicated his house two blocks away, she told him that there was a discount for area residents, and that the price for him would be \$600. Herman decided to stretch the truth a bit,



and he lied, “I saw a table just like this advertised in a catalogue last week for \$450. How can you call yourselves a discount store when you charge so much more than a catalogue?” The salesperson responded, “The table cost us more than that, but look...I am willing to offer you the end table for \$525. That is the best price you will find anywhere, and it is my final offer.” Herman stood up and said firmly, “In that case, I suppose I have no choice but to buy it from the catalogue. Thank you for your time.” With that, he started moving toward the door. The salesperson quickly got up and consulted with her manager in the next office. When she returned, she agreed to sell the table to Herman for \$450, the price he had originally demanded. Was Herman’s behavior ethically acceptable or not?

Yes

No

3. Steven was the leader of the negotiation team for a small business, a printer that wanted to purchase a new machine. When the negotiation with the vendor began, Steven gave his opening his opening position: “We would like to buy this machinery from your company, but we cannot pay more than \$1,200. In reality, Steven did have authorization to pay as much as \$1,800, but as a negotiator, he did not want to let the vendor know his maximum price. Did Steven act within the ethical rules of integrity?

Yes

No

4. The vendor with whom Steven was negotiating, Carl, wanted to sell his machine for the highest price possible. For that reason, he quietly slipped \$20 to a cleaning lady in Steven’s office building so that she would listen outside the door of Steven’s boss to find out the maximum price that Steven’s team was authorized to pay. With this information, Carl could now negotiate very strongly up to this price, and receive the most money possible for the machine. Was Carl’s action acceptable from an ethical point of view?

Yes

No

### Quick Review

*Without looking back at the text, try to answer the following reflection questions:*

- What are the differences between interests and demands, and why are these two terms important?
- What is the No-Agreement Alternative, and why is it important to know in a negotiation?
- What does ICON stand for? What are its parts, and how are they used in a negotiation?

