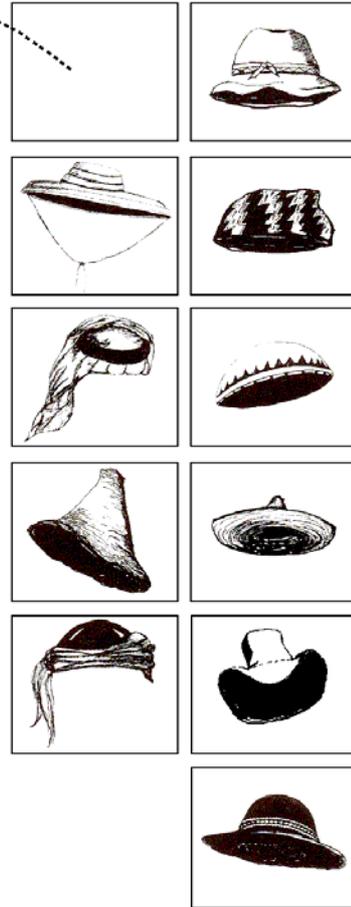




United Nations
Centre for
Human Settlements
(Habitat)

7 The Councillor as Negotiator

Training
Materials
Series



The Councillor as Negotiator

Handbook 7

Training for Elected Leadership

ISTANBUL, 1996 - "THE CITY SUMMIT"



UN-HABITAT
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Programme



The Councillor as Negotiator

Handbook 7

Training for Elected Leadership

**Training
Materials
Series**

**The
Councillor as
Negotiator**

**Training for
Elected
Leadership**



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FOREWORD

As shown by results of training needs assessments conducted by the United Nations Centre for Human Settlements (Habitat), training needs of local government elected officials (councillors), or of local politicians, appear among the most urgent world-wide and, at the same time, the least attended areas of capacity-building for local development and municipal management.

In the last few years, a number of countries as varied as Nepal and Poland or Uganda and Paraguay have embarked for the first time in several decades, and in some cases for the first time ever, on a process of electing their councillors and mayors. Training needs of local-government elected officials are also at the top of the agenda in established municipal democracies such as Ecuador, India, and the United States of America.

To respond to these needs, the United Nations Centre for Human Settlements (Habitat) has developed and tested a series of training handbooks to assist councillors to represent the citizens, provide civic leadership and effectively work with central government and with the management, technical, and professional staff in local authorities and other local institutions. The handbooks cover policy and decision making, communication, negotiation and leadership, attending, managing and conducting meetings, councillors' enabling and facilitating activities, financial management and other related needs.

This handbook, *The Councillor as Negotiator*, is one of the series of 12 and is intended for use primarily by trainers in national training institutions for local government or training units within local governments themselves. As an additional assistance for trainers using these handbooks, the United Nations Centre for Human Settlements (Habitat) has published a companion *Trainer's Guide for Training of Elected Officials* containing trainer's notes and information prepared exclusively for the benefit of these trainers in planning workshops for local elected officials based on the handbooks.

It is expected that this training handbook will contribute greatly to strengthening the capacity of local governments through the introduction of good Leadership leadership practices, one of the major objectives of the 1996 United Nations Conference on Human Settlements, Habitat II.

I wish to thank Dr. Fred Fisher and Mr. David W. Tees for preparing this and other handbooks in the series in collaboration with the staff of the United Nations Centre for Human Settlements (Habitat) Training Section within the Centre's training programmes supported by the Government of the Netherlands. I also wish to acknowledge the contribution of the trainers and local-government officials in Costa Rica, El Salvador, Kenya, Lithuania, Romania and Uganda who assisted in the field testing of these training materials.

Dr. Wally N'Dow
Assistant Secretary-General
United Nations Centre for Human Settlements (Habitat)

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About the hat

The hat worn by the figure to the right and shown on the pages to come was selected to symbolize the councillor role featured in this handbook.



Hard hat worn by
Bolivian tin miners

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HOW TO USE THIS HANDBOOK

This training handbook on THE COUNCILLOR, AS NEGOTIATOR, like other handbooks in the series, can be used in several ways.

Self-study

The essay that opens this handbook is intended for self-instruction. All you need is a quiet place to think, some time, and something to write with. For best results, we encourage you to write down your answers to the questions raised from time to time in the essay. The learning value of the information is multiplied many times for the reader who takes the time to do this.

Workshop training

The trainer's notes and exercise materials in this handbook are intended for use by experienced trainers in a training workshop for councillors from different local governments. We have included various types of learning activities and formats to provide trainers with considerable flexibility in adapting a workshop to the specific needs of participating councillors. It has been our intention in developing this handbook to encourage you to incorporate your own experiences as a trainer to heighten the learning value of these training materials for participating councillors.

As a trainer, you may decide to use the materials in the handbook in the exact order and manner presented. If you prefer, however, you may rearrange or modify the materials as needed to meet the objectives of a particular training situation. You may choose to offer three hours of training by using key exercises and activities included in the handbook. Or you may take advantage of the many materials in the handbook supplemented by content of your own to extend the length of the programme to a full day.

This handbook is one of 12 in a series for training in elected leadership. You might decide or be requested to provide a workshop that requires you to use more than one or all of these handbooks over a longer period of time. While each handbook can be used independently of the others, their use in sequence can provide a powerful unified learning experience for participating councillors.

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Team training

These materials also can be used, preferably with the assistance of an experienced trainer/facilitator, to improve the performance of councillors who serve together on the same governing body. When training councillors who serve together, we believe the facilitator must be prepared to organize the training activities in this handbook in different ways. There may be occasions where you, as facilitator, will choose to add new activities depending on the situation and the characteristics of the group. We hope in situations like these you will view this handbook as a “tool kit” containing many optional training ideas to be mixed and matched, modified or abandoned, as suggested by the situation.

You have many options to choose from with these training handbooks. We hope you take full advantage of them.

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PART I



The
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Essay

Definition

The councillor, in the role of NEGOTIATOR, helps others reach agreeable solutions when they have differing interests and needs.

Summary

This unit will look at the role of negotiation within the context of elected leadership. It will not address the more formal aspects of labour-management negotiations because of variations in legislation and practice from country to country. It will, however, point out how you can be more effective in performing the role of negotiator as a council member.

Reflection

When I think of myself as a negotiator, the following things come to mind:

- 1. _____

- 2. _____

- 3. _____

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Concepts and ideas

Negotiation is a world-wide practice that spans the full range of human experience. This doesn't mean that all negotiations are the same. How they are conducted depends on the location, the cultural context, the nature of the issues to be addressed, and those conducting the bargaining. While negotiation has been a fixture in diplomacy and labour relations for a long time, it is now recognized as a respectable means to resolve such diverse areas of misunderstanding and disagreement as organizational disputes, colonial independence, commodity worth, and community practices. Negotiation is a dynamic, sociopolitical process involving two or more parties who have agreed to come together to make decisions they are all prepared to live with, although not always with the same degree of satisfaction.

There are some characteristics that differentiate negotiation as a decision making process from those of legislation and adjudication. For example, there is a mixed-motive aspect to the process. Negotiating parties have both common and conflicting goals. (If only conflicting goals were present, it would be impossible to negotiate. Once the parties have agreed to negotiate, they, at the very least, have that goal in common.)

While it is in both parties' interest to reach agreement on an acceptable allocation of "things being valued," it is generally accepted that each party is interested in gaining as much as possible, or giving up as little as necessary, among those things that are valued. The negotiating process should result in as little lingering resentment as possible toward those sitting on the other side of the table.

*Blowing out the other fellow's candle won't make
yours shine any brighter.*

- Anonymous

Both parties win in the negotiating process (see themselves as better off than they would be without negotiating although may not be as well off as they wanted) or they wouldn't come to an agreement. They also want the other side to be satisfied with the results of the negotiations so agreements that have been made will be honored. These "win-win" solutions are what the experts refer to as non-zero-sum situations. Win-win, non-zero-sum circumstances come about because there is more than a finite sum of things valued to be divided. Either there are things "on the table" that are valued differently by each party, or new options can be generated as a result of the negotiations. For example, each side may give up less valued "goods" for those it values more, or barter away a portion of what it values to keep the rest. What each side is looking for is a "win-win" solution, where each side considers itself better off as a result of the opportunity to negotiate.

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Win-win negotiating

We suspect you have had experiences in negotiating win-win solutions but may not have thought about them in these terms. To help clarify this concept, here is an example of a win-win situation.

Suppose your urban council wants to open a sanitary landfill operation to dispose of solid waste but it has no land available within the city limits. This means you must go outside the city to find a location but you are aware that the surrounds rural townships are opposed to taking someone else's garbage! However, you are also aware that the citizens in one of the townships have been petitioning their council better refuse service. The township government has no organized refuse collection at this time nor the technical staff to develop options for the council's consideration. The city engineer has informed you and other councillors informally that one of the three sites he will be recommending for the landfill operation is located in that township. To make a long story short, you and your colleagues on the council have been able to acquire the site in exchange for expanding your refuse collection service into the township. Both sides agreed on standards for operating the landfill. These helped overcome the citizen objections to its location, and they, in turn, received service from the city that the township government was not prepared to make available at this time.

This all sounds very open and amiable. In reality, there are some complications that make it a battle of wits as well as a process of discovery. What each side is attempting to accomplish is to control the amount of information it must disclose to get concessions from the other side. The careful management of information helps negotiators vary the value of those "goods" that are on the table. Goods, in these situations, can be anything that one side is willing to bargain away to get something the other side has. It could be real goods or money. It could be access to information or increased power of one kind or another. It could be tranquility, freedom to operate more independently, or just about anything else that has value because someone wants it.

Much of the negotiator's success depends on his or her ability to create illusions about what is valued, and for how much. Otherwise, one could argue that anyone who can assess the real worth of any good could create an enormous matrix perfectly balanced alternatives from which representatives of the competing parties could choose. But, that's not the way it works. Those who take the negotiation process seriously recognize the power inherent in the ability to shift the other party from its original position toward one that is more favourable to its own. In this respect, negotiation is, or can be, a learned process.

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Essay

An enlightened view

When researching the literature for an essay of this kind, we sometimes run across information that is too good not to share with our potential audience. So it was when we discovered Barthelemy de Felice, a physics professor born in 1723 in Rome, who managed to write a 13-volume treatise on the art of negotiating. It was published at the same time as his 5 8-volume work, the Dictionnaire Universel Raisonne Des Connaissances Humaines, was offered to the public. Many of de Felice’s theories were innovative for his time, including the notion that good negotiators could be trained as well as born into the art. He described a wide range of situations in which the negotiator can use his or her skills.

Negotiation is not limited to international affairs. It takes place everywhere where there are differences to conciliate, interests to placate, men to persuade, and purposes to accomplish. All life could be regarded as a continual negotiation. We always need to win friends, overcome enemies, correct unfortunate impressions, convince others of our views, and use all appropriate means to further our projects. There are some private matters which, by the confrontations of passion, the friction of characters, and the difference in the parties’ way of thinking, become so embroiled that their successful resolution requires just as much art and skill as a treaty of peace between the greatest of powers. ⁽¹⁾

Contemporary sounding ideas, aren’t they? De Felice also had some encouraging words for the not-so-powerful of his day. They are encouraging to those of us who have few if any formal power sources at our disposal.

Some powers, with very mediocre forces, win support and rid themselves of the most troublesome difficulties. They owe their success to their prudence, to their care in accommodating themselves to conditions around them, to their sharp grasp of occasions favourable to their interests, and to a wise observation of the maxim that it is always best to submit to negotiations those things that one cannot contest by arms. ⁽²⁾

Reflection

Take a moment or two and reflect on the situations where you have been expected to negotiate on behalf of someone or some group. What approach did you take? How successful do you believe you were? What do you think you could have done to have been more successful in those situations?

Four horizontal lines for writing reflections, enclosed in a rounded rectangular box.

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Why is negotiating important in local government?

Negotiation is an integral part of the political process, a process that involves reaching agreements on resource allocation, making decisions on who will do what within the governmental arena, and resolving disagreements among community groups. There is a fine line between conflict management and negotiation as skills the councillor can use to get things done. We've included the first in the handbook on *The Councillor as Facilitator* because we envision opportunities for you to intervene in or situations where there is conflict. Sometimes the conflict has to be resolved, or at least modified, before the parties in conflict can get to the point where they are willing to negotiate an agreeable solution to their differences. If resolving conflict is more important than reaching an agreement acceptable to all concerned, you will want to rely on the skills and tactics we proposed in *The Councillor as Facilitator*. The process of managing conflict almost always involves a third party, someone outside the conflict who is asked to intervene on the part of both parties to help them resolve their differences. Negotiations also can involve third parties, but normally the process includes only those parties who want to come to an agreement.

Negotiating is an important skill within local governments for many reasons. First, local governments do not operate independently of other levels of government. Your organization is constantly involved in negotiating the boundaries of power and authority with central government agencies, with neighbouring units of local government, and with those quasi-governmental organizations that operate within your boundaries and carry out services and programmes that often overlap with those of local government. Secondly, the need for negotiating also can involve the most basic level of the governing process, that is, reaching agreement between a citizen and the representative of local government on a matter that may seem trivial to most but to those involved means a great deal. Since the process is so pervasive, it is important that all members of the local-government "family" who have contact with the public or other levels of government be given opportunities to learn more about the basics of the negotiating process.

Respect cultural differences

A Japanese businessman and an American professor wrote a book several years ago about bargaining, which is just another word for negotiating. They point out that cultural differences are crucial to the success of the bargaining process. Anyone who has traveled to another country where there is a long, strong tradition of bargaining over the price of goods in the marketplace can surely attest to this fact. We raise the issue of cultural differences for two reasons. First, your bargaining/negotiating approach should mirror the cultural context within which it takes place. This also can include the subtleties of sub-cultures, such as those one might encounter within your own community. Some would argue that low-income areas develop cultures of their own that need to be both understood and respected in any attempt to develop an effective relationship. Secondly, anything we have to say about negotiations should be run through the local "filters" before it is applied to your own negotiating situation.

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Essay

Graham and Sano, the two authors just mentioned, included in their book *Smart Bargaining* a few of the key points of potential conflict between the Japanese and American styles of business negotiations. We relate these to you because they indicate the importance of being aware about such differences and also provide clues about cultural differences you should be looking for as you enter into the negotiation process.

Even before the negotiators from these two countries reach the negotiating table, they must be aware that the Japanese tend to value such things as individual co-operation, group decision making, hierarchical business relationships and something they call “amae” or indulgent dependency. Americans, by contrast, generally value individual competition, individual decision making and action, horizontal business relationships, and much more independence.

Once these two cultures sit down at the bargaining table, they face even greater differences. The Americans favour a short, informal “warm-up session.” The Japanese, on the other hand, prefer a longer, more formal opportunity to “settle in” to the negotiations. When it comes to an exchange of information, the Japanese negotiator would have limited authority, take a longer view about the reciprocity of any agreement, and be more implicit in the way he or she communicates. The American, by contrast, would be more explicit, take a much shorter view of reciprocity, and generally have full authority to exchange information. The American would probably put what is considered a “fair” offer on the table immediately whereas his Eastern counterpart would open the negotiations with a much higher offer, leaving more room to manoeuvre. As you can see, these two individuals, who come to the negotiating process to agree on a course of action that will benefit both parties, have a few potential barriers to overcome before they can get serious about their real reasons for sitting down together. ⁽³⁾

You may be dismissing these comments as not being very helpful in your situation. And yet, many local governments find themselves, in this era of rapid change, facing many situations that require them to negotiate across cultural boundaries. The influx of rural people into urban settings, the flow of refugees from another country who settle in your community, the presence of ethnic groups with different life styles and living habits - all of these situations are potentially disruptive to the operation of local government if the differences can't be negotiated successfully.

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Essay

Reflection

Before reading further, we want you to think about your own community and the potential for differences in “negotiating styles.” Are there community groups you feel you might not totally understand in a negotiating situation because they value different things - or value things differently? What are these differences, and how have they affected the relationships between “city hall” and these groups in the past? What might you do to create a better negotiating climate next time you sit down with them to reach an understanding and agreement?

Blank writing area with horizontal lines for reflection.

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How to negotiate more successfully

The art of negotiating is a popular subject. Most respectable bookshops can offer you several “best” approaches to getting what you want through negotiations. Some of the “best” approaches are better than others. What we want to do now is share with you some of the better ideas we think are available and to look at some of the differences two of these experts take to prove their point of view. Most would agree with the authors of *Getting To Yes*, Roger Fisher and William Ury, on their criteria for effective negotiating. ⁽⁴⁾ (Most would also agree that this is among the best books about the topic.) Effective negotiating should:

- Produce a wise agreement if agreement is possible.
- Be efficient (conserve everyone’s resources, including time).
- Improve or at least not damage the relationship between the parties.

The authors go on to define a wise agreement as one which “meets the legitimate interests of each side to the extent possible, resolves conflicting interests fairly, is durable, and takes community interests into account.” Their basic approach to negotiating is rather simple but obviously successful (based on the credibility they enjoy). It includes four basic steps:

Step 1: Separate the people from the problem.

Step 2: Focus on interests, not positions.

Step 3: Invent options for mutual gain.

Step 4: Insist on using objective criteria.

Principled negotiations

These four steps provide the basic method for negotiating what Fisher and Ury call a **principled approach**. This approach is “designed to produce wise outcomes efficiently and amicably.” Let’s look at the four steps in a bit more detail.

People: Negotiations often get sidetracked when people problems aren’t separated from the substantive issues being bargained about. When negotiators start attacking each other, rather than working side by side to solve the problems that brought them together in the first place, principled negotiations can become unprincipled fast!

Interests: We’ve mentioned this step before but it’s worth repeating. Don’t go into negotiations with a stated position. Instead, you want to focus on your underlying interests, the benefits you want to gain through negotiating.

Options: Before you start to focus on the final agreement with those you are negotiating with, spend some time inventing options that will be mutually beneficial - that will meet your needs and the needs of the party across the table.

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Criteria: Insist on basing your agreements on objective criteria. Without these standards, or measures, the agreements tend to get more fuzzy and less defined the further you get from the bargaining table. Objective criteria help you and others carry out the agreements you've made in a principled manner.

Principled negotiations are negotiations based on merit, and these four steps merit your attention if you want to be a successful negotiator. ⁽⁵⁾

Let's take a look at a very different view of the negotiating process, one proposed by the behavioural scientist and organization specialist Peter Block. In his book, *The Empowered Manager*, Block advocates the use of positive political skills to be more effective as a manager (which is quite an interesting twist when we are talking to elected politicians). He puts the negotiation process into the context of building coalitions and support for your vision, whatever that might be. The critical variables in the negotiation process, according to Block, are agreement and trust. He defines the relationship between negotiators on these two factors and differentiates them according to whether the relationship is marked by high or low agreement and high or low trust. These criteria correspond to those put forth by Fisher and Ury, but Block uses such rhetoric as "justice and integrity to emphasize his approach to negotiation. ⁽⁶⁾

What do you REALLY want?

In *The Councillor as Decision-maker* we talked at some length about how difficult it is to solve a problem before it has been clearly defined. The same kind of dilemma faces the negotiator who is not clear on what he or she wants to accomplish. How often have you heard about a labour union that was locked into very difficult negotiations over an increase in the hourly wages for its members when the members were more concerned about job security. Only when the real concerns of the workers are revealed will they make progress in the negotiations. The owner of the factory is concerned about the long-range consequences of an across-the-board increase, but he or she may be quite happy to consider job tenure if it is tied to attrition of the workforce through retirements and voluntary resignations.

Fisher and Ury say a major problem in the negotiating process develops when either side insists on bargaining over position. Taking a position, they remind us, often locks that position in and takes away the flexibility to find alternative solutions. The alternative is to focus on interests. Your position is something you have decided on while your interest is what caused you to take that position. Often your interest remains unknown to the person on the other side of the table. It pays to be more open - to reveal more of why you have taken a position rather than reinforcing your position. A position is, well, a position. That's where we stand until we change it; the our position is, well, a newly defined stand. On the other hand, our interests may be varied and multiple.

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Essay

Taking a position is a little like defining your problem as a solution. Once you've done this, it is very hard to come up with alternatives. It is better to spend time on finding the problem. Once it's found, the solution is often self-evident. The same is true of those interests that drive us to take a position in a bargaining situation. Many of the same principles apply whether we are exploring interests or problems.

Often the negotiation process gets bogged down in "personalities." We focus on the individual and not the problem that brought us together in the first place. When this happens, it is best to spend whatever time it takes to resolve the personal problems before going on. People problems, in the negotiation process, emerge when: (a) perceptions are either misunderstood or misinformed, (b) emotions get out of hand, or (c) there is a breakdown in communications. When any one of these people problems take precedent over the real problem being negotiated, it's time to shift attention to the bottleneck.

You can not sew buttons on your neighbor's mouth.

- Russian proverb

Effective negotiators are effective problem solvers. The reverse is equally true. We covered problem solving in The Councillor as Decision Maker, but let's take a another look at the basics.

- First, find the problem. What is it? Where is it? When is it? Who does it include? And, why is it a problem?
- Secondly, what do you want to accomplish by solving the problem? What are the outcomes you're looking for?
- Thirdly, what are the options available to solve the problem and reach your objective?
- Finally, what steps will you need to take to carry out your best option and achieve your goal?

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When we explored the particulars of decision making in the handbook on The Councillor as Decision-maker, we stressed the importance of focusing on the quality of the decision and its acceptance by those it will affect. Both of these criteria are important in the negotiation process. Effective negotiators do more than concern themselves with the quality and acceptance of their gains from the negotiations. They also help the other side achieve high-quality results that are also acceptable to those who will be affected by the final decisions reached at the negotiation table.

Essay

Don't announce positions but know what they are

We said earlier that the effective negotiator focuses on interests, not positions. This is still our position. However, we also believe you shouldn't enter the negotiation arena if you don't know what your key positions are. These key positions are: (a) What is the ideal outcome? What would it look like if you got everything you want? (b) What is realistic, given the needs of the person or party on the other side of the table (c) What are you willing to settle for? In other words, what is your fallback position?

Knowing these positions gives you a clear idea of the parameters within which you can operate. It also means you have thought-it through your positions before entering into the negotiation process.

Now that we have counseled you to be clear about your ideal, realistic and fallback positions, we think it's also time to put them aside. They should be used as a reference point in efforts to negotiate your best interests. This may sound inconsistent. But, remember that it will be very hard to pursue your interests and those of the persons on the other side of the table if either one, or both, get locked into fixed positions.

Negotiation skills: One of the councillor's best friends

Effective negotiating skills can't be learned in a short workshop of this kind. But, hopefully, we have laid a foundation on which you can build those skills. Negotiating, or making decisions that involve others who may have as much of a stake in the outcomes as we do, is something we do consciously and unconsciously almost every day. Because negotiation is such a routine part of family life, our interactions in the market place, on the job, and in the business that takes place around the council table, it's one of those skills we can hardly afford to ignore. We hope you will return the ideas in this essay from time to time to think about your role as negotiator and how you can do it better.

No one settles anything forever, it is only the mountain which doesn't move from its place.

- African proverb

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Essay

Key points

- Negotiation is a natural part of the political process.
- Negotiation is a process that can be used in many ways to assist councillors to be more effective.
- Negotiation helps parties in contention invent new options.
- Win-win/non-zero-sum solutions can be achieved through effective negotiation.
- Information, and sharing it, are the keys to reaching mutually beneficial solutions to difficult problems.
- Negotiation, as a political strategy, is not new. It has a long history of use and development.
- Cultural differences may make a difference in how individuals and groups negotiate.
- Good negotiators are as concerned about the impact of the process on the ongoing relationships of the parties concerned as they are about the tangible results.
- Effective negotiators focus on their interests, not their positions. Power is an integral function in the negotiation process.
- Problem-solving and negotiation, as processes, have much in common.
- Organizational roles and responsibilities can be negotiated and probably should be if you're having problems deciding who is, or should be, doing what with whom.
- Negotiation is one of those skills the councillor can use in the darn'nest places.

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Essay

References

- (1) Barthelemy de Felice, Fortune, "Negotiation, or the art of negotiating," translated from *Dictionnaire de justice naturelle et civile*, in Zeltman, William, *The 50% Solution* (Garden City, NY., Anchor Books, 1976), p. 47.
- (2) *Ibid.*
- (3) Graham, John L., and Sano, Yoshihiro, *Smart Bargaining* (New York, Harper and Row, 1989), pp. 7-34.
- (4) For a more complete discussion of effective negotiation, see Fisher, Roger and Ury, William, "The Method," Ch. 2, *Getting To Yes: Negotiating Agreement Without Giving In* (Boston, MA, Houghton Mifflin, 1981).
- (5) *Ibid*, pp. 11-13.
- (6) For a more detailed discussion of the use of positive political skills, see Block, Peter, "Building support for your vision," ch. 5, *The Empowered Manager*, (San Francisco, CA, Jossey Bass, 1987).

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PART II



**The
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Purpose

Negotiation is the dynamic process by which two or more parties come together to resolve a misunderstanding or disagreement and reach a decision they are prepared to live with. This workshop concentrates on how to achieve agreement and commitment using the method of “Principled negotiation.” Participants will recognize and use principled negotiation to get what they want from others without alienating them.

Let anger fly out the window.

- Old German proverb

Contents

A brief description of each learning activity is shown below with an approximation of the amount of time required. If you wish to change the order, to omit something, or to add training material of your own, feel free to do so.

7.1 Warm up exercise: what kind of negotiator are you

Participants recall several personal experiences where they were negotiating over something and share some of these experiences in small groups. (45 minutes)

7.2 Trainer presentation

Brief presentation on the role of councillors as negotiators. Draw on material from the preceding essay and your own experience to explain some of the best approaches to effective negotiating and how effective negotiators strive to achieve win/win solutions following a few basic steps. Describe role negotiation as a strategy councillors can use to resolve common role conflicts or ambiguities ‘thin a local government or between units or levels of government. (30 minutes)

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7.3 **Role playing/case study: the bulldozer disagreement**

Participants role play a situation involving a dispute between two districts over the shared use of a bulldozer in order to seek a settlement of the dispute. (60 - 75 minutes)

7.4 **Exercise: The language of negotiation**

Participants are asked to read six techniques used by experienced negotiators in the United States and the United Kingdom and to compare them with the negotiating practices of their own countries. (120 minutes)

7.5 **Role play case study: Hawker/council confrontation**

Participants, in two groups, are asked to read a situation involving conflicting interests about the activities of hawkers during an international convention. Participants play roles of a local council and hawkers in negotiating for their respective interests. (120 minutes)

7.6 **Skill transfer exercise**

Participants reflect on what they have learned and make personal commitments to put it to use after the workshop. (45 minutes)

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7.1 Warm-up exercise: WHAT KIND OF NEGOTIATOR ARE YOU?

Time required: 45 minutes

Objective

This exercise is to help participants recall and share experiences with negotiation.

Process

Ask participants to think about some personal experiences they have had with negotiating. Suggest that they ask themselves some questions about each experience using the questions listed on the next page or other questions that may occur to them.

After giving participants a few minutes to read and answer the questions, divide them into small groups of about five people. Give them about 30 minutes for the discussion.

When the small groups reconvene, ask for any patterns or insights that surfaced during the discussions.

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QUESTIONS ABOUT PERSONAL EXPERIENCES IN NEGOTIATING SOMETHING

1. Have you ever ...
 - Bargained with a boss for a raise in pay, a better office location, or other improvements in working conditions?
 - Gone over someone's head or by-passed normal channels to get reservations for a concert or play, tickets for an athletic event, or improved seating on an airplane or train?
 - Pressed for more information when listening to a sales presentation?
 - Hesitated to ask questions because you did not want to be seen as uninformed?
 - In a personal relationship, tolerated abusive behaviour from another person because you:
 - felt uncomfortable confronting the person,
 - felt you might not be able to express yourself properly, or
 - didn't want to hurt the other person's feelings even though that person's actions were hurting you?

2. Select one of the questions that you answered yes and answer the following questions about it.

What was the situation?

What do your responses to the situation say about you as a negotiator?

How would you describe your relationship with the other person following the situation?

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7.2 TRAINER PRESENTATION

Time required: 30 minutes

Objective

This presentation is to provide participants with ideas and perspectives on the negotiator role and a conceptual foundation they can use for the individual and group exercises included in this workshop.

Process

Prepare the presentation based on information from the preceding essay on the negotiator role. In particular, explain some of the best approaches to effective negotiating and how effective negotiators strive to achieve win/win solutions following a few basic steps. Describe role negotiation as a strategy councillors can use to resolve common role conflicts or ambiguities within a local government or between units or levels of government.

Outlined information on note cards may help you cover the information systematically and stay on schedule. Ask questions from time to time during the presentation as a check on participant comprehension and to hold their attention. Augment the presentation with visual aids including preprinted newsprint sheets and overhead transparencies as a further aid to comprehension.

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7.3 Role play/Case study: THE BULLDOZER DISAGREEMENT

Time required: 60-75 minutes

Objective

This exercise is for participants to use negotiation skills to settle a contract disagreement between two districts over use of a bulldozer.

Process

Distribute *The Bulldozer Disagreement* case. Ask participants to read the case and the role descriptions for three officials who are meeting to work out a settlement of the disagreement. Divide the participants into small groups of three participants each and ask each member of each small group to agree to play one of the three roles in the case.

When all small group members know the roles they will be playing, explain that each member of a small group is to enter into negotiations with the other members of his or her small group. The objective is to reach an agreement about use of the bulldozer that will be acceptable to the authority/department that each member represents. Tell small group members they will have 30 minutes to reach an agreement and to answer the following questions about the experience:

1. What did each party to the negotiation see as an acceptable solution to the disagreement?
2. What was the outcome of the negotiation?
3. What sort of process was used to achieve this outcome?
4. How satisfied are each of the parties with this outcome and why?

When time is up, call the small groups back together and ask for reports from each of them with particular emphasis on their answers to the four questions Discussion.

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Exercise**The situation**

A disagreement has developed between Apac and Lira district authorities over the sharing of a bulldozer meant for the two districts. Apac District Resistance Councillors (DRC) are accusing their counterparts in Lira of having monopoly over the use of the bulldozer. In Lira, the authorities say they collect the machine from Apac only when it is idle.

The issue generated a heated debate in the District Development Committee (DDC) meeting in Apac last week. At that time, the councillors teamed up to fire a barrage of questions to Mike Odongo, Executive Engineer, Department of Works for both Apac and Lira. A councillor from Apac charged that, before the bulldozer was taken by Lira, some of the parts, like the blade, had been fixed using Apac funds. He suggested that Lira should compensate Apac for the repair cost.

Engineer Odongo said this was a trivial thing over which the parties could waste a lot of time. He pointed out that some of the parts on the bulldozer, like the blade, wear fast and are replaced nearly fortnightly.

The Apac DDC members, however, stood their ground. After more wrangling, Odongo commented that maybe a mistake had been made when the road equipment was given to the two districts to share.

Sam Ogenrwoth, the acting District Executive Secretary for Lira, commented that when the machine was collected by Lira, it was idle in Apac. He stated that it was first borrowed from Lira by the National Army's 2nd Division to do some road work at their base before it was handed over to the District Administration. The bulldozer currently is being used to do some work in Kioga County, Lira District, under the feeder roads maintenance programme.

Ogenrwoth said that two months earlier the District Secretary from Apac, Mr. Apire, saw him about the bulldozer. "I told them that, if they needed it, they should contact me. But since we met, they have never been in contact with me," he said, adding, "If the bulldozer is free now and if they make contact, we have no reason to retain it. Mr. Ogenrwoth expressed his opinion that it would not be cost effective for the equipment to move between Lira and Apac on a weekly basis because of the high cost to transport the machine.

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Exercise

Mr. Apire, who chaired the meeting, attempted to cool the tempers of DDC members from Apac by appealing for calm. He promised that the matter would be resolved “administratively” at a meeting to be held within the week and attended by representatives of the two authorities.

Mike Odongo

You are the Executive Engineer for the Department of Works with responsibility for both Lira and Apac. The decision to allocate the road equipment responsible for joint use of the two authorities was made on your recommendation. You had no idea that sharing the bulldozer, rather than be the benefit you had envisioned, would become a source of bickering and hard feelings. You hope representatives of the two authorities can be reasonable and work together to find a solution to the problem. If they can’t, you are prepared to recommend against continuation of the shared arrangement and for moving the equipment elsewhere.

Sam Ogenrwoth

You have principal responsibility for use of the bulldozer while it is in Lira’s possession. You are puzzled by the unreasonable attitude of Apac officials. They have been told that they can contact you anytime they need the equipment and, if it is not in use on a Lira project, that they are welcome to collect it. However, you prefer a way of giving each authority possession of the equipment for at least two to three months at a time to avoid the high cost of moving the equipment more frequently.

Robert Apire

Responsibility for the bulldozer while in use by Apac has been given to you. Since the equipment was made available several months ago, Apac has had the bulldozer only once for a period of one week. Since then, it has been in Lira’s possession. You agree with your colleagues that Lira has a monopoly on the equipment, a matter made worse by the fact that the only repairs made to the equipment have been made by Apac. On one occasion when you tried to make contact with Lira officials about collecting the bulldozer for a project, no one could be reached by telephone.

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7.4 *Exercise:* THE LANGUAGE OF NEGOTIATION

Time required: 120 minutes

Objective

To foster a better understanding of the language of negotiation and its usefulness to elected leaders in various cultures.

Process

Distribute a list of common techniques and phrases used by experienced negotiators in some parts of the world (list can be found on the next page). Ask participants to read the techniques and phrases and answer several questions about each of them as they relate to negotiation practices in their work environments.

Divide participants into small groups of five to seven and ask them to discuss the usefulness of the various negotiating techniques and phrases to councillors in their countries and to suggest alternatives.

Reconvene the participants after 30 minutes and ask for reports from each of the groups. General discussion.

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Exercise

In their acclaimed book, *Getting to Yes: Negotiating Agreement Without Giving In*, Fisher and Ury use the term “Principled negotiation” to describe a method of negotiation that is tough and fair at the same time - a way that, according to the authors, “shows you how to obtain what you are entitled to and still be decent”.

Shown below are some stock phrases that a negotiator who practices principled negotiation might use to get what he or she wants from someone else without creating hurt feelings or a desire to get even.

1. Please correct me if I’m wrong

When confronting another party about an issue to be resolved, the experienced negotiator will avoid language or behaviour that might make the other party feel threatened or defensive. For example, when bringing up an issue over which there is likely to be disagreement, the negotiator might say, “Please correct me if I’m wrong.” By this statement, the negotiator assumes a posture of openness to persuasion and the appearance of willingness to consider the possibility of being mistaken about the other party’s position.

Question? ...

Is this a negotiating technique that might be used by councillors in your country? If so, what language would you use, the same or something different? If not, what behaviour or language would you consider more effective?

2. Could I ask you a few questions ..?

Statements of fact can be threatening to people. Questions, on the other hand, allow for discussion and possible correction of errors in facts. By saying, “Could I ask you a few questions to see if my facts are right?” the experienced negotiator puts people at ease and gives the appearance of being open to the possibility of having received bad information.

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Question? ...

Is this a negotiating technique that might be used by councillors in your country? If so, what language would you use, the same or something different? If not, what behaviour or language would you consider more effective?

3. Let me see if I understand ...

Parties who are negotiating for something often take a position based on incomplete or incorrect information (e.g., what they thought they heard the other party say or what they thought the other party meant by saying it). The experienced negotiator has learned to check out what has been said before offering a position. This is done by paraphrasing what has been heard or repeating it verbatim. Expressions like, "Let me see if I understand what you are saying," can prevent misunderstanding and show the negotiator's sincerity in trying to communicate.

Question? ...

Is this a negotiating technique that might be used by councillors in your country? If so, what language would you use, the same or something different? If not, what behaviour or language would you consider to be more effective?

4. Let me show you where I have trouble ...

Experienced negotiators will explain what bothers them about the other party's proposal before presenting their own proposals (e.g., "Let me show you where I have trouble with what you are proposing"). This is done to show the negotiator's openness to persuasion while encouraging the other party to listen instead of objecting or offering counter proposals.

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Question? ...

Is this a negotiating technique that might be used by councillors in your country? If so, what language would you use, the same or something different? If not, what behaviour or language would you consider more effective?

5. A fair solution might be ...

To appear flexible but still specific in offering a proposal, the experienced negotiator might say something like, "A fair solution might be" The negotiator, thereby, creates the impression that he or she has thought of something that has the advantage of fairness to both sides. The negotiator's intent is to forward an idea without appearing rigid or uncompromising to the other party.

Question? ...

Is this a negotiating technique that might be used by councillors in your country? If so, what language would you use, the same or something different? If not, what behaviour or language would you consider more effective?

6. If we agree ... If we disagree ...

The objective of the experienced negotiator is to make it as easy as possible for the other party to agree. A useful strategy for doing this is for the negotiator to point out the rewards of agreement with his or her proposal (something good the other party can get just by agreeing) and the consequences of failing to reach an agreement (something the other party would find unsatisfactory or disagreeable should no agreement be reached). The negotiator leaves the unpleasant alternative open as a possibility, but with an expression of confidence that an agreement can be reached.

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Question? ...

Is this a negotiating technique that might be used by councillors in your country? If so, what language would you use, the same or something different? If not, what behaviour or language would you consider more effective?

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Author's Note: The stock phrases for the preceding exercise come from chapter 2 of Fisher, Roger, and Ury, William, *Getting To Yes: Negotiating Agreement Without Giving In*, an acclaimed work on effective negotiating which is cited in the essay that opens this handbook.

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7.5 Role play/Case study: HAWKER/COUNCIL CONFRONTATION

Time required: 120 minutes

Objective

To provide participants an opportunity to apply the techniques of principled negotiation (as defined in the preceding exercise and the essay presented earlier in the handbook) to find a mutually acceptable way for a city council to get what it wants without undermining or damaging relations with a powerful community group.

Process

Tell the participants they will be taking part in a role-play/case-study concerned with keeping city centre streets clear of unnecessary street hawker traffic during the visit of conferees to an international conference being held locally.

Ask for six to eight volunteers to take part in a role-play exercise. Explain that half of the volunteers will be assuming the roles of city councillors and the other half will be assuming the roles of hawkers, an active, well organized, and sometimes militant group. Identify which volunteers will be playing which roles. Participants not playing roles will be asked to take part as citizen observers at a negotiation meeting between the two groups.

Give each group a description of the task (see below) and two conflicting roles (see *The Trainer's Guide*). Explain that the council's objective is to negotiate an agreement with the hawkers that gains their cooperation in getting the streets clear of congestion and traffic jams just before, during, and immediately after the conference. The hawkers, on the other hand, want to benefit economically from ready access to a lucrative new market - free-spending conference participants.

Give the two groups about 30 minutes to read and discuss the situation and decide on a strategy for getting what they want. Note: Some additional coaching at this point for the council group from the trainer on the use of principled negotiation methods will add to the learning value of this exercise for all participants.

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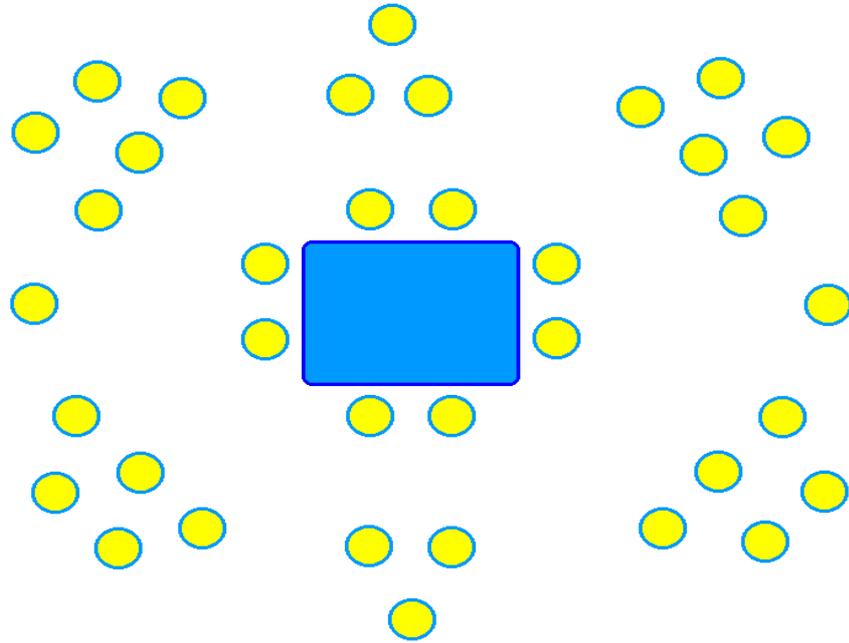
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While the two groups are discussing the task, ask the participants who are not playing roles to arrange tables and chairs for a negotiation meeting as shown in the room layout suggestion below. After about 30 minutes, reconvene the two groups to begin the exercise.



Seating arrangements for negotiators and observers

Seat the selected representatives of the two groups at the negotiation table. Seat non-participating members of the two groups in a circle around the negotiation table. Tell negotiators they have 20 minutes to reach an agreement. At the end of 20 minutes, call time and lead a discussion focused on the following questions:

1. What characteristics of principled negotiation were used by council negotiators to reach an agreement with hawkers? With what success?
2. How does it feel to be part of a team that uses principled negotiation strategies to reach an agreement?
3. How does it feel to deal with people who are using principled negotiation strategies?
4. Under what circumstances could your own council make use of principled negotiation?

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THE HAWKER/COUNCIL CONFRONTATION

The situation

The city of Khulla has been selected by a prestigious international organization as the site for its annual conference and exhibition. The selection of Khulla as a conference site is important to the city's economically depressed business community. Several thousand conference participants will fill Khulla's hotels, restaurants and other businesses, giving a healthy boost to the local economy during their week-long stay in the city. City leaders have worked hard to bring the conference to Khulla and they want the event to be the best ever for the conference participants so it will encourage repeat business.

The only apparent obstacle to a successful conference is a difference of agreement between city leaders and the local hawkers who sell their wares from streetside booths and camel-drawn carts. Although a source of noise, clutter, and confusion on the city streets, the hawkers are a major contributor to the local economy. Moreover, they are efficiently organized to protect their collective interests.

Position of the city council and the hawkers

Position descriptions for the city council and hawkers can be found in *Trainer's Guide to Training for Elected Leadership* and may be duplicated by the trainer for distribution to role players.

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7.6 SKILL TRANSFER EXERCISE**Time required: 30-45 minutes****Objective**

This exercise is to help participants transfer the learning experiences of the workshop into their real-world activities as elected officials. The focus of this exercise is on raising expectations, engaging in realistic planning, and making personal commitments. Most of the work is done on a personal basis with some interpersonal sharing.

Between knowing and doing there is a wide chasm.

It is generally agreed that the purpose of training is to improve the way people do things by showing them a better way. In fact, the success of a training experience can be measured by the amount of personal growth and change that takes place both during training and after the training is over.

Training rarely has the impact on workshop participants that trainers hope it will have, particularly after an exposure of only a few hours. The exhilaration of the moment fades quickly when the trainee is confronted with old work habits and the resistance of work associates who have not shared the training experience.

On the other hand, commitments to learning and change made at the close of a workshop can help participants overcome learning resistance in themselves and in the work environment. A trainer can help learners make a successful transition from the world of learning to the world of doing through a few simple planning exercises. Think about it this way. The time taken to encourage learning transfer could be the difference between a brief exposure to some interesting ideas and a life-changing experience.

Process

Spend at least half an hour at the end of the workshop to focus the attention of participants on important learning's and encourage them to continue experimenting with these learning's in their council activities. Begin by giving participants about 15 minutes to work independently on a simple learning transfer questionnaire.

When participants have completed the questionnaire, ask them to share quickly with the group two or three things they intend to do differently in their council roles as negotiators to close the workshop.

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A LEARNING TRANSFER QUESTIONNAIRE

Take a few minutes to reflect on the role of the negotiator, the new ideas you encountered in this workshop, and how you feel about them. Then, in the space below, write a sentence or two to describe something interesting you have learned about yourself during this workshop.

Based on what you have learned about yourself and the many possibilities for change presented by this workshop, what two or three things do you intend to do differently in your council role as negotiator?

1. _____
2. _____
3. _____

Finally, what obstacles in yourself or in your work environment do you expect to experience during your efforts to implement these changes? What will you do to remove or minimize these obstacles?

Obstacle	Action to remove the obstacle
1. _____	1. _____
2. _____	2. _____
3. _____	3. _____

If you can learn it, you can do it.

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