

GATHER THE PEOPLE

Community and Faith-Based Organizing and Development Resources

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GTP ORGANIZER TRAINING

Training Guide #14 Negotiations

Inexperienced grassroots leaders and organizers often fail to understand how and when negotiations fit into actions and campaigns. The most common misunderstanding about the world of power and ideology, leading to confusion about negotiations, is that we have our choice between cooperation and conflict. A more accurate portrayal of the grassroots action field reveals inevitable shifts between cooperation, competition and conflict for possession and control of resources and realities. Conflict realigns relations of power, reflecting new distributions of resources, and typically leads to cooperation and stability through negotiated compromise—only to be upset again when flows and distributions of resources no longer mirror existing power relationships and realities.

Getting other action-field players into genuine negotiations requires that we first convincingly demonstrate our power. The principle is summed up in the organizer's aphorism that "power talks to power." The idea isn't that we should promote conflict but rather create incentives for the other side to negotiate in good faith, to reach an agreement that takes care of a problem. The point is that to have genuine bargaining we first have to show the other side that we have the wherewithal to orchestrate contingencies and ideologies that will be beneficial or costly for them.

The bind for most grassroots negotiators is that they must hold to principles and compromise—at the same time: virtually every experienced negotiator recognizes that both sides must "win" if the negotiation is to succeed. To do this we must consciously set our perspective on the other side. Practically, it means separating the issue or problem from the people. Opposing players aren't defined as the bad guys, as they often are in the pre-negotiation action phase of a campaign, but as having interests that run counter to our own. Our stance then is that we don't want to be friends or enemies but rather to have an arm's-length, business-like relationship, at least for the period of the negotiations.

Keys to Successful Negotiations

1. Planning Before the Negotiations
 - Information- and intelligence-gathering
 - Strategizing
2. Patience During the Negotiations

- Persistence
- Control of emotions

3. Publicity After the Negotiations

- Joint public pronouncements
- Press release distribution

Importance of Individuals in Negotiations

Whatever the issue or power positions of the parties in a negotiation, except where differences are pronounced, the parts played by individual negotiators are pivotal to outcomes.

Desirable Characteristics in a Negotiator

- Self-control
- Self-awareness
- Flexibility
- Good listener
- Team player
- Sensitive to non-verbal cues
- Incisive questioner
- Talks sparingly
- Calm and collected
- Doesn't lose temper
- Conceals emotions (with certain exceptions)
- Stays alert
- Persuasive in selling self and objectives
- Doesn't oversell or overstate
- Doesn't attempt to intimidate
- Doesn't act superior (intellectually, morally, or otherwise)
- Doesn't underestimate others (allies or adversaries)
- Doesn't drink or use drugs inappropriately

Planning

1. Preparation Principles

- Forget any ideas about ideological conversions.
- Collect information and intelligence first.
- Select your negotiating team carefully and be explicit about authority.
- Arrange to take complete notes.

- Beware of “contingency confusion,” mistakenly interpreting opponent’s acts because of inadequate information or intelligence.
- Ask questions (and listen to answers!) to find out the other side’s true needs and to break down the bases for their demands.
- Look for common ground and ways to meet the other side’s needs (including those in the future).
- Interpret “no” answers as requests to be shown how or why to say “yes.”
- Avoid playacting, it’s transparent to others and it destroys credibility.
- Don’t push the other side to the wall or paint them in a corner.
- Remember that both sides must compromise and win if the negotiation is to be successful.

2. Tasks

- Analyze issues and objectives, yours and theirs:
 - > What do we/they want?
 - > What will be our/their reaction to the other’s demands?
 - > What do we/they really need?
 - > What will we/they take?
 - > What’s our/their hidden agenda?
- Determine power positions, yours and theirs:
 - > information and intelligence
 - > handles
 - > timelines
 - > constituencies
 - > press/media position
 - > resources
- Devise strategy
 - > Decide on an initial proposal (may be extravagant but must be based on solid fact and reason), fallback position, and bottom line (which should be set by the general membership).
 - > Find timing indicators, i.e., predictable points at which resources flow or realities shift for the other side (so that demands are hooked to budget hearings, elections, etc.).

- > Take charge of the meeting (number of negotiators on each side, agenda, meeting hours, etc.).
- > Be personal: get everyone's name at the start and use them.
- > Don't accept an opponent's negotiation agenda: propose your own or negotiate on theirs (and if you go along with theirs, get something in trade, such as meeting on your turf).
- > Be reasonable: propose terms that fit the mutually recognized power relations and realities of the parties.
- > Organize negotiation issue-priorities on the basis of taking first those that are easily talked about and dealt with, next those for which more information or intelligence is needed, and last those that are most likely to be problematic.
- > Be prepared for the other side to test your position.
- > Have a plan for caucusing when necessary.

—Tactics

- > Use one tactic at a time—and wait for a response before going on to the next.
- > Multiply alternatives.
- > Make an early quid-pro-quo concession.
- > Get them saying “yes.”
- > Be flexible to their offers.
- > When unsure, delay answering.
- > Stay silent when offers are unacceptable.
- > Stress your positives, not their negatives.

—Tactics to watch out for

- > Early put-down questioning
- > Good guy-bad guy routines
- > “We’re-the-greatest” lines (yeah, but what have you done for us lately?)

- > Disclaiming authority to negotiate on particular points
- > Soaking up your initiatives without responding
- > Feigning ignorance or innocence (confront it!)
- > Claims that “it’s not common practice” (so what, are you opposed to progress?)
- > Predictions of doomsday consequences if you don’t give in to their demands (tell them their crystal ball must be clouded!)

Negotiation Phases

1. Introductions
2. Overview
 - General statement of goals and positions
 - Avoid antagonism, use “common-ground” rhetoric
3. Background
 - History of relations and differences
 - Avoid interruptions and arguments
4. Definition of issues
 - Based on earlier determination of your needs, their needs, mutual needs, and hidden needs
 - Minor issues first except in lengthy or stalled negotiations
 - Start with common-need (bridging) issues
5. Conflict
 - Involves hard questioning, persuasion, and argument
 - Aim is to tear down other side’s position and demands, to discover their true needs and thus room for compromise
 - Bind is to compromise without jeopardizing your principles
6. Compromise

- Settlement based on transforming “either-or” proposals into “what-if,” “if-then,” and “suppose-that” questions and statements
- Making either first offer or concession is okay so long as there’s a quid pro quo

7. Initial Agreement

- May be necessary to negotiate agreement-in-principle when negotiators for other side are representatives and don’t have final authority (as with unions)
- Getting agreement-in-principle is helped by keeping a visible (on chalkboard or poster paper) summary of understandings and agreements as they’re reached

8. Deadlock-Breakers

- Caucus
- Summarize progress
- Review consequences of failed negotiations
- Express feelings and understandings
- Switch subjects
- Get process agreement or agreement-in-principle
- Find bridge issue
- Disclose new information
- Make new proposal or compromise
- Try quick-close offer
- Diagram differences
- Play to future needs
- Change locations
- Walk out

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