

Negotiation Techniques



Esther Katende - Magezi

EK Consulting Group, Trade Law and Policy Consultants

www.ekconsultinggroup.com

Lay Out of Presentation

1. Preparation Before Negotiation
2. Technique During Negotiation
3. Desired Outcome
4. Enforcement of Agreement



What are Negotiation Techniques?



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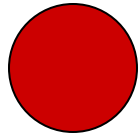
- **Deliberate actions taken by negotiators toward one another in the process of negotiation.**
- **Menu of tactics held up one's sleeve prior to the negotiation.**
- **A set of behavior associated with a plan to achieve some objective through bargaining.**
- **Relevance?**
Greatly determine outcome of negotiation.



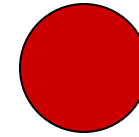
PREPARATION

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Preparation



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- **Enter a negotiation without proper preparation and you've already lost!**
- **Involves reading all relevant negotiation documents**
 - **eg – if WTO Agriculture negotiations – read and understand proposed text.**
- **As a country, you should have your country's position meticulously prepared.**
- **Through country consultations.**

Consultations



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- **Consulting key stakeholders**
- **Technical subjects – consult experts**
- **Ensure stakeholders are adequately represented on your negotiating team.**
- **Benchmarking international and best practices**
- **Conducting relevant studies**
- **Literature Review where necessary**

Obtain Political Mandate



- **After the preparations, obtain political backing/mandate.**
- **Done through presentation of negotiation position to the PS, Minister or President.**
- **Eg CM Negotiations – Committee of Ministers and Permanent Secretaries.**
- **Relevant because negotiations involve committing the country to legally binding obligations.**

Study Your Negotiating Partner

- **How powerful are they compared to you?**
- **How desperate are they to come to agreement?**
- **What is their negotiation record?**
- **What are their key interests in the negotiations?**
- **Anticipate their points of concession and prepare counter arguments in response.**
- **How much political power do they yield? (Calling reps. back home)**
- **What are their policies in relation to the negotiation subject.**



Your Negotiating Brief



Your negotiating brief should therefore include:

- 1. An agenda of issues to discuss;**
- 2. Your objectives expressed in terms of parameters;**
- 3. Questions to ask to reveal information about the negotiation or your negotiating partner's position.**

Negotiating Brief

Your Objectives

1.
2.
3.

Position of your Negotiating Partner

1.
2.
3.

Concessions You can Give

1.
2.
3.

Concessions You Seek

1.
2.
3.

Questions I Need to Ask

1.
2.
3.

Anticipate Compromise



- Expect to make concessions and plan what they might be.
- Of course, the other side is thinking the same, so never take their first offer.
- Even if it's better than you'd hoped for, practice your best look of disappointment and politely decline. You never know what else you can get.
- **Alternatives:** if you don't reach agreement, what alternatives do you have? Are these good or bad? How much does it matter if you do not reach agreement?
- Does failure to reach an agreement cut you out of future opportunities? And what alternatives might the other person have?

Technique During Negotiations



From the Start of the Negotiation



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- Ensure that it is your text that is used as a basis for negotiations – USA BITs, EU in EPAs, Uganda in EAC CM Negotiations.
- Establish the points of mutual agreement and common ground.
- Outline the mutual objectives for the negotiation.
- Build a joint agenda.
- Establish what you and the other person have that you can trade.
- Establish what you each have that the other wants and what each one is comfortable giving away.

Knowing Your Negotiating Partner



- Which personalities are you negotiating with?
- **Power:** who has what power in the relationship? Who controls resources? Who stands to lose the most if agreement isn't reached?
- **Relationships:** what is the history of the relationship? Could or should this history impact the negotiation?
- Can you intimidate your partner? **USA and Uganda**
- Are they going to intimidate you? **TZ in EAC CM.**
- How much information can you get from them so as to know their positions? **Befriend them?**
- Can you woo your negotiating Partners over during a sumptuous lunch/ dinner? **China presents?**

Are you Organized?



- **Have you read and understood the discussion on the table?**
- **Do you have your proposals ready?**
- **Do you know exactly what you want from your negotiating partners?**
- **Can you defend your proposals?**
- **What concessions are you ready to give?**
- **Appearance - Do you look the part?**



Teamwork

- Are you a winning team?
- Or are you sabotaging each other?
- How many people are on your team at a given time?
- How competent are they?
- Is there mutual respect?



What Strategy are You Going to Use?



Distributive Strategy?

- Useful when basic aims of the parties are in conflict.
- Includes opening negotiations with high demands, initially refusing of all concessions, exaggerating one's minimum needs and true priorities, etc.
- Eg a weaker state refusing to concede.



Integrative Strategy?

- Tactics instrumental to the attainment of goals that are not in fundamental conflict = can be integrated for mutual gain.
- Includes eg sharing information openly to explore common problems, proposing an exchange of concessions.
- **Eg in WTO Negotiations where a formula for cutting all tariffs including those of the speaker.**

Negotiating Style...

- **Do you intend to be assertive or adamant on certain points?**
- **Are you going to give a lot of information?**
- **Are you going to seek to persuade by “pushing” your negotiating partner?**
- **Do you want to recess at intervals?**



Pay Attention to Timing...



- **Timing is important in any negotiation.**
- **You must be sensitive as to when you can ask for what you want.**
- **There are times to press ahead, and times to wait.**
- **Can you drag negotiations till its late in the night and they are tired? USA**





Closing Negotiations



- **At close of any meeting — even if no final agreement is reached — recap the points covered and areas of agreement.**
- **Make sure everyone confirms. Follow-up with appropriate letters or emails.**
- **Write down agreed upon points because will form part of the Ensuing Agreement.**

The Outcome of the Negotiations



- **Consequences:** What are the consequences of your winning or losing this negotiation? What are the consequences for the other side?
- **Desired Outcome:** Win win situation.
- **Best Scenario:** where there has been collaboration between the trading partners and at the end, the best deal is achieved for all parties involved.

Implementation of the Agreement



General Process



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- **Ratification of Agreement by All Involved.**
- **Domestication of Agreement – Already existing laws amended to reflect new Agreement.**
 - Commissioning studies to ascertain inconsistencies with existing laws.
- **Harmonization and Mutual Agreement where necessary.**
- **Public awareness campaigns on new Agreement.**
- **Monitoring Implementation**

Conclusion



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- **When it comes to successful diplomatic relations with other countries, the ability to negotiate well is one of the most vital attributes you can possess.**
- **So take care to develop and master this skill.**

The End