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Negotiation and Log-Rolling

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Introduction

Conflicts have come to stay in human societies. Lewis Coser (1956) argued that contact leads to both friendship and enmity. For him, cooperation may lead to conflict just as conflict may ultimately engender cooperation. Kegley and Wittkopf (1985) pushed the Coser argument further when they argued that conflict results from communication and contact. In fact, contact is a congenital attribute of any society just as communication is integral to society and conflict emanates from both contact and communication. Paradoxically, communication is also the first and ultimate solution to conflict. A war which is the military path to peace and an extension of diplomacy by other means cannot guarantee peace without communication in the form of a peace treaty. Even war itself is a form of communication according to Clausewitz, a German strategist. Conflict is neither abnormal nor undesirable. A conflict is a social warning mechanism of a disequilibrium or perceived equilibrium in a relationship. Such a warning should be attended to promptly or expeditiously so that it does not degenerate or escalate. Kegley and Wittkopf associate conflict with problems of self-esteem in inter-personal or inter-communal relations. Conflict is therefore an attempt to restore normalcy or progress to a higher mutually comfortable position.

Similarly, Ted Gurr attributes conflict to relative deprivation or what Kegley and Wittkopf described as perceived relative

discrepancies. It is therefore a situation of frustration which may be attributable to miscommunication, communication gap or outright inadvertent or deliberate misunderstanding. Such situations require clarification of issues in order to resolve salient principles, interests and needs (PIN). The principles are often mutually accepted by the conflict partners because they are often based on customs, traditions or rules. Interests, on the other hand, diverge and are more difficult to reconcile than principles particularly because they are not often explicitly stated. Even more difficult are the needs which are closest to the heart of the conflict and are still also unstated. It is the process of exchange of ideas through negotiation that interests and needs are unraveled. It is only when the divergence of interests and needs are resolved in a positive sum fashion that a conflict disappears. A successful negotiation must end as a win-win solution because a loser will always continue to pursue the lost ground.

Negotiation is necessitated when parties to an issue disagree and the parties need agreement to further their individual interests. They cannot afford to abandon the issues at stake. Negotiation is, therefore, a process of dialogue between stakeholders so that all of them can reach a successful agreement. It is a process of "win-win" dialogue, because negotiation assumes that every issue is divisible and agreements can be reached on the components of an issue. Thus, an issue can be conceded to different stakeholders. Therefore, everybody is happy because a zero-sum situation has been turned into a positive-sum situation.

This description is also true of log-rolling. It is a legislative strategy to save a bill or legislative proposal by sharing out the dividends between stakeholders. It is a process of multiplying beneficiaries in order to multiply support for a particular measure. This is why Joseph Cannon observed, correctly, in 1923 that "nearly all legislation is the result of compromise". It is a participatory process of disaggregating an issue and sharing out the dividends between the stakeholders. It has the implication of resolving conflicts by saving an issue that would otherwise have

been lost. We shall take the issue of negotiation (and log-rolling) stage by stage so as to learn the art, skills and management of negotiation.

Know the Issue

In order to be successful, a negotiator must know the issue at stake. The negotiator must be competent and current on the issue at stake. This means that the negotiator must know the content and parameters of an issue, be able to tabulate it and section it into aliquot parts as well as be conversant with the language and register of the issue. It is such competence that can convince and can confer negotiating courage on the negotiator. Such courage is essential. John F. Kennedy advised, "Let us never negotiate in fear, but let us never fear to negotiate" (James and Parker, 1990).

The negotiator will be required to divide the issue into primary and secondary negotiating bases. A primary negotiating base is a sub-issue or clause that the stakeholder holds as basic or fundamental to his position. It is the bottom of the pyramid on which all other relevant data rest. To lose a primary base is to lose an objective. A secondary base has the advantage(s) of adopting the primary base. But in every negotiation, both sides to a negotiation have contending primary and secondary clauses.

Theoretically, the superior set of secondary bases determine the fate of the primary base. Let us take a family political example. A negotiator wants a woman to be nominated for a senate seat rather than a man. That is the primary base. The secondary bases are given as follow:

- (1) It will redress the historical imbalance in the political representation of the area.
- (2) It will be a magnetic crowd-puller for women in the senatorial district.
- (3) It will beat the opposing political party.
- (4) It will show the party as progressive and will be in tune with modern democratic mood.

The other negotiator prefers the nomination of a man as the senatorial candidate. That is his primary base. His secondary bases are:

- (1) It will compensate the men who are party activists.
- (2) It will avoid unnecessary political risk.
- (3) It will compensate the real financiers of the party.

Each negotiator will be required to prove that his secondary bases are more important than those of the opponent. Consequently, his primary base is superior. But superiority in this case is qualitative rather than quantitative. It is imprecise rather than precise. Therefore, proving it is difficult and requires the deployment of other important facts like earlier agreements, the political mood, the political appeal of the prospective candidates, etc. The success of a position may not completely depend on the issues. It may, in fact, depend on whether the negotiator knows his opponent well and can manipulate him/her.

Know The Opponent

Knowing the opponent is an axiom of battle. Sun Tzu, the Chinese strategist, emphasises that one must know the enemy. Fighting a completely unknown person is a higher risk than fighting a person whose capabilities are well known. Therefore, the negotiator must conduct opponent research to know the opponent. He/she must know the opponents' background, strengths, weaknesses, personality type and philosophy. All these will be critical inputs of negotiation. Unless they are known, they cannot be countered. The negotiator will only be responding to the verbalisations rather than the foundations.

A negotiator must also know the typology of negotiators. These are basically three:

- (1) Strong negotiators
- (2) Vacillating negotiators
- (3) Weak negotiators.

A strong negotiator is very daring and unafraid. He/she likes to dominate discussions and often interrupts the other speaker (Gamble and Gamble, 1993). He is impetuous. He answers questions before they are fully asked. He has a long memory and is well-prepared and self-assured. Although he analyses issues well, he/she is often hasty in decision making. But above all, he/she angers easily. In order to negotiate with this kind of person, the negotiator must equalise his/her good qualities and exaggerate his/her weaknesses. For example, the negotiator must understand that when a person becomes angry, he experiences mental pain. The negotiator must capitalise on hasty decision making, particularly when it is useful to do so.

The vacillating negotiator shares almost all the characteristics of a strong negotiator except that he is as dynamic as the strong negotiator. He/she seldom interrupts. He/she takes time to consult, and analyse in a competent manner, preferring well-substantiated positions and takes quite some time before taking a decision. He/she too, might anger quickly but forgets just as quickly. Negotiating with this type takes a longer time. He/she asks more questions before he/she can be convinced.

The weak type shies away from taking any decision. Frequently, he/she asks for more time to think things over. He/she is sometimes nervous and is prone to such bad habits as fingernail biting and squinting. It is often better to deal with his/her superior who has greater negotiating authority.

It is very important in any negotiation to discover who in a team has the final negotiating authority so that attention can be focused on such a person. He is the target. It is that person that the negotiator must reach in order to succeed. You can discover the prime negotiator by different methods. The first and simplest is by asking. But the answer may not be as easy. The second method is to carefully examine the titles and other similar levels. But this too may be misleading. Titles may not carry real authority. The final method is by skillfully probing, observing the body language as well as the interaction between fellow negotiators. This is not a direct inquiry but a process deliberately

calculated to discover the hierarchy of negotiators. Having understood your opponent, you are then in a position to start negotiating.

Appealing to the Self

Perhaps the starting point of any negotiation is to take some advice about your opponent. Do not take your opponent for granted. The cover is a bad index of the quality of a book. Never judge your opponent by appearance, because he/she may have such mental capacity that appearance cannot reveal. Even if you knew your opponent before, never judge him/her by the past because he/she could have improved by experience or by training. Your understanding of your opponent will help you to establish his/her motive for the position that he/she takes. It is motives that propel people to act, and without understanding motives, a negotiator will almost always be caught unawares.

A negotiator must endear the opponent to himself/herself. This is by appealing to the self. Psychologists believe that each person is more than one self. Find out if there are common experiences that you can capitalise on. Common experiences tend to connect people with one another. Explore old school ties, professional associations, family ties, etc. Use compliments as much as possible because compliments appeal to self. Never be critical of matters that are irrelevant to the negotiation. By thus creating a more compatible relationship, the negotiator will be making himself a part of his opponent's self.

Time and Place to Negotiate

The negotiator should select both the day and time of day most suitable to his/her personal make up. In doing this, he/she must consider his/her body metabolism, traits and habits that govern his/her action, and when he/she is most alert. If he/she is not normally in top shape in the morning, he/she must avoid negotiation in the morning hours. If he/she has to travel for the negotiation, he/she must allow time to rest before negotiation. It

is also important for a negotiator to moderate his/her feeding prior to the negotiation exercise because food will temporarily dull the senses. In fact, some people easily fall asleep after food. If the negotiation is taking place during lunch, a clever negotiator will eat sparingly while the opponent fuels up. But the most important rule about the timing of negotiation is that the negotiator should be fully prepared at any time and never lose an opportunity to negotiate. This has been put in a very beautiful way by an expert in negotiation: "Never lose an opportunity to negotiate, but never negotiate until you are certain it is an opportunity". At his inauguration as the President of the United States of America on January 20, 1961, John F. Kennedy reiterated "Let us never negotiate out of fear, but let us never fear to negotiate".

The timing of negotiation is as important as the place. The best place of negotiation is the negotiator's home ground. This gives the negotiator the home advantage. He/she will be on familiar grounds thus avoiding the constraints of the unknown terrain. However, if it is not possible to secure the home ground, the negotiator must be ready to negotiate virtually in any place. The Yoruba are known to argue that, "it is only incompetent fighter that says that he cannot fight except on his father's land".

Having selected the place of negotiation, the environment of negotiation must be carefully considered. It must be a quiet place devoid of any distractions, it must be a well-ventilated place, the chair must be comfortable (straight back and firm cushion) to allow proper breathing necessary for proper brain functioning. A negotiator must never sit in a chair lower than that of the opponent because it gives the opponent a psychological edge.

Negotiator's Comportment

Negotiation is serious business. It is not a fashion parade. The negotiator must project a natural image. The negotiator must be neatly dressed with no loud colours or colour combination. A

negotiator must not send a negative signal through the way he/she dresses.

Negotiation is a process of convincing the other side to reach an agreement on a particular issue. It is therefore an intensive process of interaction and interpretation. A good negotiator must keep a constant eye contact on the opponent: it forms a very personal bond with another person (Gregory, 1993). This has several effects. First, it prevents opponents from sending signals across to themselves. Eye contact therefore breaks the opponent's communication channels. Secondly, if the opponent is not very experienced, constant eye contact becomes intimidating and the opponent may miss his/her carefully rehearsed lines. Finally, facial features can be very revealing. Body language is not audible but can be tracked by observation. The blink of an eye, the wrinkle of the face and the twitch of the nose are essential communicative processes in a negotiation. Even when there are several people in the opponent's team, the negotiator must use his lateral vision to watch everyone present. The eye gives a glimpse into the mind of the other person. Research has shown that a very high percentage of learning takes place through the sense of sight. The average person learns 87 percent by sight and only 7 percent by hearing. In addition, the human face, supposedly, is capable of 250,000 expressions (Vassallo, 1990). The negotiator must have the skill of correctly reading the human face to access the mind.

The negotiator must be well prepared so that he understands the various aspects of the issue. While preparing, he/she must do it with a high degree of concentration to help his/her recall during negotiation. It is also important that the negotiator should simulate the negotiation process through the method of diversification, i.e. considering the matter from as many different angles as possible. A good negotiator must be skillful in building scenarios to capture all possible issues raised by the opponent. Such a method will prepare the negotiator for the opponent who may raise such issues. If the negotiator has never thought about such matters, his/her response will be poor and the negotiation unfavourable to him/her. The negotiator should also make

judicious use of association to assist recall. Preparation for a negotiation without the ability to recall is a waste of precious time.

Language of Negotiation

Language is essential to negotiation. It is what determines the extent of mutual communication. In a situation where people have taken different and opposing positions, the situation should not be complicated by inappropriate language. Therefore, the language must communicate and it must convince by bridging the issue-gap.

Every negotiator must recognise the importance of common simple basic language. Simple words work best. It is also important to understand that simple ideas work best and receive the greatest followership because they are easiest to understand. Clumsy erudition may only receive a nod but not an acceptance. Language is the conveyor-belt of ideas and simple language is not the same thing as lack of word power. A negotiator must have a large vocabulary to interact with an opponent who wants to show off that knowledge.

The second thing that the negotiator must know about language is that he/she must speak clearly and unambiguously. The negotiator must communicate directly and avoid the use of double negatives. As much as possible, strange words or general clichés must be avoided. They do not carry the message and often call for additional explanations. For avoidance of doubt, describing a thing or a situation can have much more impact than expressing a general statement.

Thirdly, appropriate importance should be accorded issues. The negotiator must avoid the error of inversion, i.e. speaking seriously about matters of little consequences. Inversion can infuriate the opponent and stall negotiation.

Methods of Negotiation

There are different methods of negotiation but we shall treat only two. The first type is **Offensive Negotiation**. This refers primarily

to a situation where the negotiator has gained the edge and is preventing his/her opponent from getting set. Thus, the opponent is put on the defensive. He/she may thus be willing to make concessions.

Secondly, when the negotiator has decisively disproved an opponent's statement, the opponent becomes extra-careful in making other statements. The negotiator should endeavour to take the offensive quite early. One way of doing this is for the negotiator to capitalise on the opponent's weakness and hammer on it frequently so that the opponent concentrates more on his weak areas at the expense of his/her strong areas. Consequently, the strong areas too become weak. Thus, the opponent continues to react rather than act. Whenever the opponent gets into dilemma, that is the point in time when the negotiator should attack the strongest base of the opponent. This is the time when he/she is most vulnerable and ready to make concessions.

It is always better to ride into critical issues on the crest of the success on other issues. The momentum must be maintained. In addition to riding on critical issues, the negotiator must capitalise on the language of the opponent. The negotiator must watch the opponent's utterances. Once the negotiator gains the offensive, it is not wise to pause or to play the defensive. The defence rarely pays. He/she must pound away.

The second method that we shall examine is the **Question Method** (Lich, 1973). Questions are excellent probing tools to discover additional facts and other information known only to the opponent on the defensive. There are different kinds of questions that can be used at different times and for different objectives. They include General Questions, Specific Questions, Leading Questions, Successive Questions, and Suggestive Questions.

General Questions are useful for probing and are very useful at the initial stages of a negotiation. General questions help to strengthen the negotiator's knowledge.

Specific Questions call for fairly confined answers. They are useful at any stage of the negotiation but more in the latter stages

when the issues are clearer. Questions should be carefully phrased and descriptive in order to elicit a productive answer.

Leading Questions are simply statements turned into questions, e.g. "It is beautiful house, isn't it". The objective is to maintain control of the negotiation and facilitate continuity. It draws an affirmative answer most favourably to the negotiator.

Negotiators also use **Suggestive Questions** which suggest a specific course of action, e.g. "Don't you think that it is better to start the journey early?" The opponent must either commit himself/herself to the suggested course of action or explain why not. The suggestive question is more polite than the **Leading Questions** which is a bullying method.

Successive Questions which point in the direction of an answer are also often used to maintain control and develop positive as well as forceful negotiation momentum. The questions are often asked in quick successions without waiting for answers until the series of questions are asked.

The effectiveness of the question method in any negotiation is a function of the negotiator's experience in using them. The questions have to be timed appropriately, and asked expertly, usually with little room for the opponent to be evasive.

Sample Questions

- (1) A conflict disrupts a society or relationship but it is beneficial to the society or relationship. Critically discuss this statement with relevant examples.
- (2) What are the basic assumptions of negotiation?
- (3) What are primary and secondary negotiating bases? Illustrate your answer with concrete examples?
- (4) Why is it critical to know the opponent in a negotiation?
- (5) Identify and discuss the basic rules of inter-negotiator relations.
- (6) List and critically examine the importance of an enabling environment in negotiation.