

MINUTES
GENEVA GROUP INTERNATIONAL
EUROPEAN CONFERENCE, LUCERNE, SWITZERLAND

WORKSHOP : NEGOTIATIONS – THE GAME OF LIFE
TAKIS G KOMMATIS
SATURDAY 16 MAY 2009

In attendance: **Takis G Kommatas (Chairman)**
 David Rodney – Citroen Wells Chartered Accountants
 Mariagiulia Signori – Bianchi Finulli & Partners – Lawyers &
 Accountants
 Alain Girard – FIDAG – Accountants
 Alistair Duncan – Denison Till – Solicitors

Takis explained that for very many years he had lectured on negotiating techniques, drawing on his extensive practical experience gained representing clients and practicing law in Athens – all part of the ‘game of life’. He believed the various strands of negotiation could be analysed and we could learn from the analysis.

1. National/cultural characteristics

Each nation’s cultural characteristics will dictate the style of negotiation and are highly likely to exhibit typical national traits. We briefly discussed our own national traits and those that we perceived to be national traits of other countries not represented in the group.

2. Negotiating styles

There are three main styles of negotiation:

- Co-operative negotiation or “win win” whereby negotiation proceeds on the basis of ‘giving a little and taking a little’.
- Competitive negotiation. This is more risky and involves an element of brinkmanship or “take it or leave it”.
- Negotiation characterised by personal commitments, e.g. an impending vacation which imposes its own pressure on the negotiators, particularly the vacationing party.

3. Negotiation research has shown that:

- Quick negotiations are the most dangerous in terms of the parties not thinking through the full implications of their agreement or omitting to cover each point required to conclude a successful agreement.
- Telephone negotiations are particularly high risk and should not be attempted unless there is a very clear objective and check list of the matters to be covered.

4. Who is a good negotiator?

- A negotiator should be clear as to the authority that has been delegated to him and know clearly the limits within which he can negotiate.
- Following the above, one should never send as a negotiator someone at the highest level. Ideally, a negotiator should never be the decision maker.

5. Negotiating techniques:

- There are many but the most important is to always aim high and never take the first offer. In this way you will be able to test the limits of negotiation and generally be satisfied that the outcome is the best that could be achieved in the circumstances.

6. Preparation:

To be a good negotiator preparation is absolutely essential however familiar you are with the subject. Preparation will make sure the outcome of the negotiation is comprehensive and successful.

7. Should negotiators have a personal relationship?

Experience suggests establishing a personal relationship with the other party can assist negotiation.

8. The patient and persistent negotiator.

You must allow sufficient time to listen and test the parameters of the negotiation. If negotiation concludes too quickly it is highly likely something will be missed. On the other hand, negotiation must not take too long and it is important to achieve continuity and momentum.

9. Know your opponent.

The good negotiator will always assemble as much knowledge as possible about the other party so that he is able to assess the full strengths and weaknesses of each negotiating point.

10. Courtesy.

The good negotiator will treat his opponent professionally. To adopt a “take it or leave it” approach to negotiation often leads nowhere. It can be too competitive and result in premature termination of discussion. A good negotiator will always try and explain his position, so much so that even negative points should have a full explanation.

11. Issues of importance.

The good negotiator will always try to separate the issues which are important from those which are unimportant. It is wrong to try and negotiate all of the issues at the same level. Identification of the important issues can be useful in dictating the pace and progress of negotiation.

12. Concessions.

Negotiations always involve concession or “give and take”. The good negotiator will always list the important and not so important issues and will be armed with alternative solutions to particular aspects should they be required.

13. Deadlock:

Deadlock is always the most difficult stage in negotiation and the good negotiator will try to avoid deadlock and progress negotiations by:

- suggesting the parties draw back to discuss with their principals. A little time for reflection often precipitates progress later.
- using the technique of listing the issues to “park” an issue and move on to discuss other possibly less important issues.
- engineering a deadlock where it is to be used as a negotiating tactic. But as indicated above it can be risky if this results in negotiations terminating.

Conclusion

A good negotiator will always seek to buy time, seek an alternative and seek to make a concession where necessary.

Takis’s engaging presentation of negotiation – the game of life - was masterful and entertaining and all of us benefited from discussion of the many points Takis illustrated during the workshop.

For those reading these minutes, attend next time if you have the opportunity.

AMMD
18.05.2009