

## An Attempt of Shaping a Framework of Negotiation

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### **Abstract:**

The term *negotiation* is more and more frequently used nowadays not only in trade or business activities, but also in many other fields of activity. People negotiate in all areas of social life (in the family, at work, in the street, in shops, in a company, in a political party, between states, etc.) whenever they seek to resolve differences of opinion or to get what they want. Any kind of negotiation starts from a series of basic conditions (the interdependence of the parties engaged in negotiations, the existence of some differences of opinion, the parties' joint work to achieve a mutually beneficial agreement). At the same time, any negotiation takes place in a certain setting, bordered by the object of negotiation, its aims and stakes, the place and time of its deployment. Depending on the areas where the process of negotiation appears, one can speak of three general types: the economic negotiation, the political negotiation and the social one. At this level, other classifications can be identified, according to the participants in the negotiations, the parties' interests, the negotiating environment, the time and duration of negotiations and the manner of completion, all in the limits of two extreme poles, the conflict and the cooperation between the parties involved.

**Keywords:** negotiation, participants, conflict, cooperation, communication.

### **1. Conceptual frame**

Etymologically speaking, the term *negotiation* appeared in Latin (in the VI century, ancient Rome), referring to trade (*negotiatio* = trade; *negotiator* = trader; *negotior* = to trade, to do business with money) and to the activities of traders. (Bellenger 1984)

Although it is used in different areas (apparently unrelated to each other) the term *negotiation* is generally associated with the notion of conflict. Whether it is an 'economic war' or a 'political war', negotiation appears to be a peaceful confrontation, a process of conflict resolution in which participants change their claims in order to reach a mutually acceptable compromise. At the same time, negotiation can be regarded as a process of adjusting the opinions of those involved so as to move from an ideal solution (what each of those involved in conflict would like, independently), to a real one (which can be achieved due to the interdependence of those involved).

People often enter a process of negotiation without even realizing it; they negotiate different things every day, whether at work, at home or in a public institution, whenever divergent interests appear. They try to understand the issues involved, to obtain and transmit information, to develop solutions, to express opinions.

Negotiation is 'a process through which two parties with a vested interest in the issue at stake strive to reach a mutual behaviour binding agreement through the exchange of structured information that becomes available through the communication relationship'. (Niewmeijer 1988: p) Starting from this definition we can say that negotiation is essentially a process of communication between partners who have different views of a shared reality. From this perspective an area of concern is the mutual exchange of information and influence, through which a common understanding of situations and problems can be reached. At the same time,

negotiation is a process of value exchange among participants who have divergent needs. They make offers and requests which reveal differences in positions, they come up with proposals and make concessions, they carry out transactions that aim to satisfy their own interests

Negotiating means communicating, engaging in a dialogue in order to reach an agreement. 'The choice of words can accentuate differences, which further polarizes parties, or emphasize similarities, which closes the psychological distance.' (Spangle, Isenhardt 2003: 5) Through communication, the parties, who initially had many different views, reach a common understanding of reality and, at the same time, through communication 'the parties switch from favorite individual solutions to solutions preferred by both parties.' (Vasile 2000: 153)

What particularizes negotiation as a process of oral communication between people is, on the one hand, the fact that it is *competitive* (the parties seek to ensure that their own advantages prevail) (Bellenger 1984: 27). On the other hand, negotiation is a process of *harmonization of interests*, because it tries to achieve a mutually beneficial agreement (Bellenger 1984: 27). Thus, negotiation is 'a mix of competitiveness and cooperation [...]; there is competitiveness because each negotiator is standing in the way of the other achieving their goal but at the same time, cooperation is needed because without the other's help neither will achieve anything at all.' (Fells 2009: 4) We can therefore say that, in the case of negotiation, communication is a process of transmitting messages on a given theme, which aims to achieve a common understanding of the problem. Moreover, it functions as a channel for transmitting the offers, counter offers, arguments, concessions, etc. that limit the distance between the conflicting goals of the parties involved in negotiation. The statement above draws some defining aspects of negotiation, namely the interdependence of the parties involved in negotiation, the differences between them, their joint work to solve their common problems and the mutually beneficial agreement. The basic tools in the process of negotiation leading to obtain new information that changes the original personal visions are asking questions, active listening and argumentation, tools that make of negotiation a particular type of oral discourse. At the same time, there are two important communication skills that act in negotiation (Spangle, Isenhardt 2003: 30):

- framing – the manner in which the negotiator uses words to frame understanding of the issues involved in negotiation;
- reframing – the negotiator's aptitude to use metaphors or analogies in order to change the manner in which the other party views a problem under discussion.

However, the role of paraverbal and nonverbal messages in negotiation should not be neglected; they may cause the intensification, weakening, distortion or cancellation of the meanings of words. The paraverbal language can become an effective tool to influence and control the negotiating partners. Depending on how it is used, it can lead to the gain or loss of authority and control in negotiation, it may cause the approval or denial of problems under discussion. In its turn, the body language can support or contradict the verbal message, mitigating its impact on the receiver.

Thus, we can say that negotiation is essentially a type of human interaction, a communication process between (at least) two participants connected by a relationship of power, between which there is interdependence, but who are, at the same time, separated by divergent interests. Through negotiation, they 'voluntarily choose to work together to solve a common problem, the final result being a mutually beneficial agreement.' (Vasile 2000: 138)

## **2. The basic conditions for negotiation**

From all the above we can extract the basic conditions of negotiation. (Dupont 1994,

Fisher et al. 1995, Hiltrop et al. 1999, Prutianu 2000)

The *interdependence* comes from the participation of parties in a joint project or in an effort to solve a common problem. A joint project means an undertaking of the parties who join their efforts to complete the negotiations.

The *existence of differences* is the second condition for negotiation. The differences may be *cognitive* (referring to opinions, beliefs, faith, knowledge, different views of the parties) or *material* (referring to different interests). In a negotiation the parties often encounter both cognitive and material differences.

*Collaboration* is the third prerequisite of negotiation; it requires the genuine desire of the parties to cooperate through the exchange of values in order to avoid an unfavorable situation for all involved. The parties are bound only by self-interest to enter into negotiations and may withdraw at any time, a fact which justifies the voluntary nature of negotiation. The collaboration of the parties is also made on the basis of specific principles and mechanisms and involves several reciprocal concessions.

In diplomatic and trade negotiations, which often take place in a formal setting, the interaction of the parties is organized by specific rules, practices, procedures and techniques. The negotiations that take place in everyday life are not governed by strict rules, but, nevertheless, each interaction creates its specific rules, procedures and individual models of cooperation.

The collaboration of the parties has in view a *mutual agreement*, which is the fourth condition of negotiation, both parties ending the negotiation with the feeling that they have made the most out of what they have proposed.

We can illustrate the basic conditions for a (hypothetical) negotiation (with two participants) as follows:

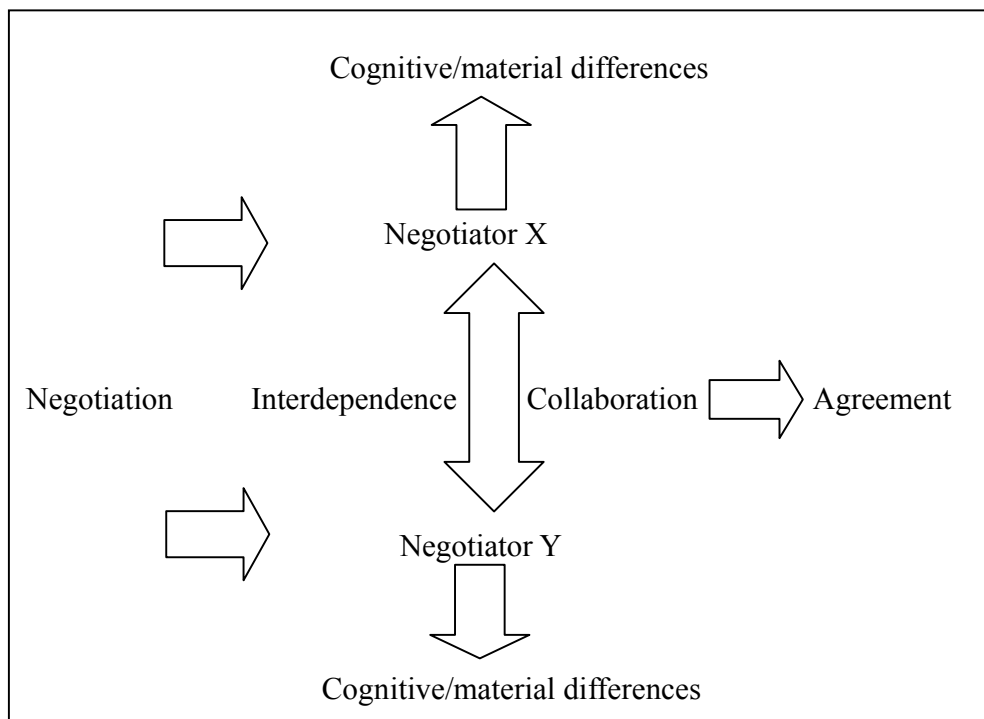


Figure 1. The basic conditions for negotiation

### 3. The elements of negotiation

Any negotiation requires the presence and the action of some protagonists and elements involved in this process.

The *protagonists* of the negotiation process can be (Bellenger 1984: 21):

- the stakeholders / the interested parties - those who show interest and support in connection with the object under negotiation;
- the negotiators – those who are working to achieve the goals that meet the interests expressed by the stakeholders.

In certain types of negotiation (in particular those from everyday life) the stakeholders coincide with the negotiators. However, there is a clear separation between the two types of protagonists in the political or economic negotiations. The protagonists can be considered as adversaries (in the conflictual negotiation) or partners (in the cooperative negotiation). But the roles may change (the partners may become adversaries and vice versa) depending on the development of the negotiation, the nature of the arguments and counter-arguments used and the attitudes adopted.

The *elements* involved in the process of negotiation are the object of negotiation, its objectives and its stakes. (Dupont 1994, Fisher et al. 1995, Hiltrop et al. 1999, Prutianu 2000)

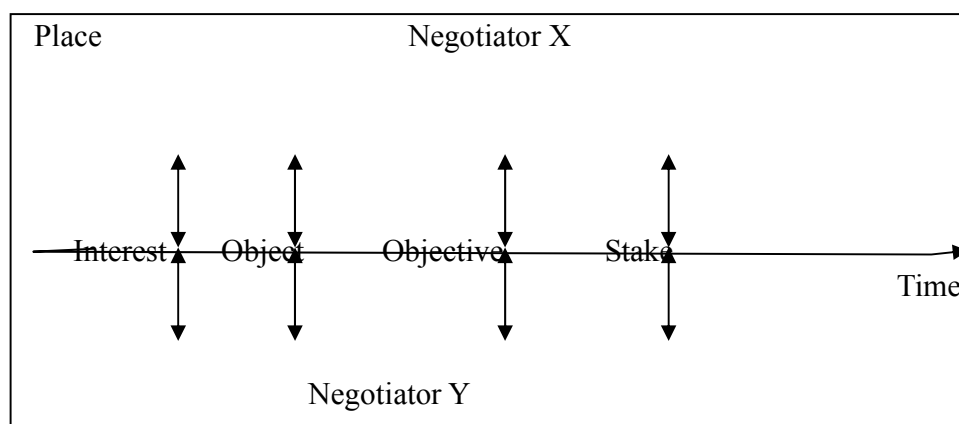
The *interest* is the expression of the interested party's wishes to obtain the object of negotiation (goods, services, information, etc.) or its equivalent (money and other goods, services, information, etc.). The interests of the parties involved may be common or specific to each person involved.

The *object* of negotiation is what is negotiated. Depending on the type of negotiation, its object may be represented by very different aspects, from a product or service in a commercial negotiation, to a place to spend holidays in a family, for example. The object may be predominantly quantitative (e.g. selling a set number of products) or predominantly qualitative (e.g. an agreement with the trade unions); it may be predominantly material (e.g. the purchase of products) or predominantly cognitive (e.g. the conflict of opinions).

What is desired regarding the object of negotiation is its *objective* (e.g. selling as many products as possible, or the choice of spending the holidays in the mountains or at sea), and the importance of the results regarding the objectives is assessed by the *stake*. The stakes may be essential, reaching a benefit obtained or a distinction. (Bellenger 1984: 33)

The *place* and *time* to conduct negotiations are other important elements of this process. The *place* in which the negotiation takes place can influence its outcome. When the place is neutral, the participants start from equal positions, none favored. But if the place is one of the negotiating partners', the chances are increased from the start, due to the comfortable feeling that the place gives to the respective negotiator. The *time* of negotiation can be variable, depending on the type of this process.

We can represent the elements of negotiation as follows (Figure 2):



*Figure 2. The elements of negotiation*

#### **4. The classification of negotiation**

Regardless of the field it is used, the term *negotiation* is associated with the notion of conflict. Negotiation appears to be a conflict resolution process in which participants change their claims to reach a mutually acceptable compromise (Bellenger 1984: 35). Negotiation is thus placed between two extreme poles, confrontation and agreement. Two positions have been investigated by theorists (Bellenger 1984: 35; Spoelstra and Pienaar 2008: 8):

- negotiation called "conflictual" or "distributive"
- negotiation called "cooperative" or "integrative"

The conflictual/distributive negotiation (Bellenger 1984: 37) is based on rivalry, competition, the protagonists perceiving themselves as adversaries. Each participant in negotiating pursues his own objectives, which he considers to be opposed to those of the partner. The parties involved in the process of negotiation 'perceive that their goals and interests are mutually exclusive or may be in competition with one another.' (Spangle, Isenhardt 2003: 14) Following their own interests, the negotiating participants often act to the detriment of their partners, the expressions of cooperation and interdependence being low. Therefore it is considered that the conflictual negotiation involves relationships of domination, authoritarian relationships between participants, which are orally manifested by verbal aggression, threats, intimidation, disqualification, positional statements etc.

In the cooperative/integrative negotiation (Bellenger 1984: 46) participants no longer perceive themselves as adversaries but as partners. It is based on 'cocreation of understandings about the problem and an integration of parties' needs.' (Spangle, Isenhardt 2003: 14) The parties want to achieve common objectives, while maintaining a long term relationship of cooperation. In this type of negotiation the participants also seek to satisfy their own interests but they are part of a joint work; the participants prefer to try to clarify the issues rather than to impose solutions. In the cooperative negotiation the ratio of forces is less obvious but no one can speak of a disappearance of the phenomenon of power: the opinion and the competence of an expert are accepted, but everyone speaks from the position on which they are located; there is no misused authority.

The conflict and the cooperation constitute the general framework in which we can talk about other types of negotiations, depending on the elements that constitute this process.

Negotiation can thus be analysed taking into account: (Bellenger 1984: 27)

- the object of negotiation
- the participants in the negotiation
- the parties' interests
- the negotiating environment
- the time and duration of negotiation
- the ending of negotiation

Among these criteria, the most important is the object of negotiation, which determines the main areas where this process occurs, so we can speak of three general types of negotiation (Bellenger 1984: 33-49; Deac 2002: 27-33):

a) the economic negotiation - the object of negotiation is a material or spiritual good or service, the ultimate objective of the negotiation process aiming at the exchange of goods and their value, which may consist of money or other goods or services.

b) the political negotiation - the object of negotiation is the expression of power interests manifested on an internal level (by the political forces within a state which seek an agreement between them on domestic or foreign policy of the respective state) or on an international level (between states, with the objective of solving disputes between them, of adopting joint decisions or international conventions and agreements etc.)

c) the social negotiation – its object varies as this type of negotiation can take place between different social groups in society (for example, negotiations between unions and employers), it can resolve extreme situations (eg, blackmail, threats of suicide, etc.) or it may occur in all the other related activities of daily life.

These three main types are dominated by two dimensions that take into account the outcomes of negotiation: the economic and the social-psychological dimension. (Spangle, Isenhardt 2003: 7) The economic dimension dominates the economic negotiation and it implies 'tangible outcomes' (savings or profits, for example). The social-psychological dimension dominates the political and social negotiations, referring to 'relational factors' ('quality of relationship, satisfaction with communication, impressions of the other party')

If we take into account the other criteria in the negotiation structure, we notice that these three general types of negotiation meet the criteria of several classifications.

Table 1 presents the different types of negotiations according to the participants in this process (Bellenger 1984: 34).

*Table 1. Classification of negotiation according to the participants*

| <b>Type</b>                                           | <b>Characteristic</b>                                                                                      |
|-------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| Negotiations between individuals                      | The individuals are stakeholders in relation to an object of negotiation                                   |
| Negotiations between individuals and groups of people | One person negotiates with a group of people                                                               |
| Negotiations between groups of people                 | The groups can be companies, organizations, institutions, circle of friends, ethnic or professional groups |
| Negotiations with representatives                     | Specially trained negotiators representing the interests of stakeholders lead the negotiations             |
| Negotiations without representatives                  | The stakeholders play the role of negotiators                                                              |

|                                 |                                                                                                                              |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| Negotiation with arbitration    | It requires the presence of a third actor involved in the process of negotiation, ie the referee, intervening in the process |
| Negotiation without arbitration | It requires only the presence of the parties concerned and / or of the negotiators                                           |

Table 2 presents the two types of negotiation depending on the interests of the parties (Deac 2002: 40; Bellenger 1984: 35):

*Table 2. Classification of negotiation according to the interests of the parties*

| Type                                  | Characteristic                                                                                                                                                                            |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Negotiation with diverging interests  | There is a difference of interest between the parties. The purpose of this type of negotiation is different for the parties in accordance with their interests.                           |
| Negotiation with converging interests | There are common interests between the parties. The purpose of this type of negotiation is to find a common solution when only this one can lead to achieving their respective interests. |

The two types of negotiation in Table 3 take into account the negotiating environment:

*Table 3. Classification of negotiation according to the negotiating environment*

| Type                                       | Characteristic                                                                                                                                      |
|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| Negotiations on the territory of one party | When the place of negotiation is one of the participants', the respective participant starts from a favoured position, his chances being increased. |
| Negotiations conducted on neutral ground   | When the place is neutral, the participants start on equal footing, none being favored.                                                             |

The different time and duration of negotiations lead to the following types presented in Table 4 (Deac 2002: 43):

*Table 4. Classification of negotiation according to its time and duration*

| Type                                 | Characteristic                                                                                                                                                                                                                          |
|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Negotiations prepared in advance     | They involve a long time for their preparation.                                                                                                                                                                                         |
| Negotiations in crisis situations    | They involve a rapid mobilization, most often occurring in circumstances involving imminent danger to one side or another or for people who are used as arguments by either party (in the case of negotiations for releasing hostages). |
| Negotiations with fixed time         | They comply with a strict timetable.                                                                                                                                                                                                    |
| Negotiations with indeterminate time | they are not conditioned by a certain term for its ending.                                                                                                                                                                              |

The way in which the negotiation is completed leads to the following two types presented in Table 5 (Deac 2002: 46-48):

*Table 5. Classification of negotiation according to the manner of completion*

| <b>Type</b>                                     | <b>Characteristic</b>                                                                                                      |
|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| Negotiations completed with an oral agreement   | They are based on the parties' word of honor. This is the way social negotiations typically end.                           |
| Negotiations finalized with a written agreement | In this case, written agreements (some of which have legal power) occur mainly in the economic and political negotiations. |

The analysis of a corpus of more than 30 different negotiations allowed us to create an overview of the negotiation typology, observing the way in which the elements of the negotiation process differ or are similar in the three main types, namely the economic, the political and the social negotiation.

*Table 6. Overview of the negotiation typology*

| <b>Elements</b>     | <b>Economic negotiation</b>                                                                                                                                                                                                                                                                                | <b>Political negotiation</b>                                                                                                                                                                                                                                                                   | <b>Social negotiation</b>                                                                                                                                                                                                                                                                                                             |
|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Protagonists</b> | <ul style="list-style-type: none"> <li>- two persons (client-seller, client-company representative, customer-bank representative; negotiators especially trained for such activities)</li> <li>- groups representing a company, a bank</li> <li>- in both cases there may be a referee as well</li> </ul>  | <ul style="list-style-type: none"> <li>- two persons (negotiators especially trained for such activities)</li> <li>- representatives of a government, of a party, of an institution</li> <li>- in both cases there may be a referee as well</li> </ul>                                         | <ul style="list-style-type: none"> <li>- two persons (friends, colleagues, relatives)</li> <li>- ethnic or professional groups, members of a family, group of friends</li> </ul>                                                                                                                                                      |
| <b>Interests</b>    | <ul style="list-style-type: none"> <li>- diverging (the different percentage for the reduction of the production costs in a negotiation between the financial manager and the chief accountant in a firm)</li> <li>- converging (in a negotiation in a bank, both the manager of a firm and the</li> </ul> | <ul style="list-style-type: none"> <li>- diverging (in a negotiation between a group of terrorists and a negotiator, the former want to obtain money in exchange of the hostages, while the latter is interested in releasing the hostages)</li> <li>- converging (in a negotiation</li> </ul> | <ul style="list-style-type: none"> <li>- diverging (in a negotiation between the headmistress of a kindergarten and a mother who wants to enlist her child, the former is interested in respecting the rule of not having too many children in a class, while the latter is interested in enlisting her child at any cost)</li> </ul> |

|                                 |                                                                                                                              |                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                 |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                 | representative of the bank want to have a contract signed)                                                                   | between the union leaders and the representatives of the government, both parties are interested in the strike to come to an end)                                                                               | - converging (in a negotiation between three colleagues in a university department about the different bibliographical sources to use, they all have a common interest: the printing of a coursebook for students)                                                              |
| <b>Objects</b>                  | - material goods and services                                                                                                | - national and/or international political interests and information                                                                                                                                             | - vary depending on the social group in which negotiation occurs. For example: <ul style="list-style-type: none"> <li>• money, material goods (in a negotiation between unions and employers)</li> <li>• the place of spending the holiday (in a family negotiation)</li> </ul> |
| <b>Objective</b>                | - the exchange of goods and their money value                                                                                | - the adoption of decisions, conventions or agreements internally and / or internationally                                                                                                                      | - varies depending on the object of negotiation. For example: <ul style="list-style-type: none"> <li>• wage increases (in a negotiation between unions and employers)</li> <li>• the choice of spending the holiday (in a family negotiation)</li> </ul>                        |
| <b>The place of negotiation</b> | - institutional framework: as a rule, the place/territory of a party (a store, the headquarters of a company, a bank office) | - institutional framework: the place/territory of a party (the headquarters of a party, of the government in a country)<br>- neutral ground (the territory of another country, not involved in the negotiation) | - common territory for both sides (the headquarters of an institution in the negotiation between employers and trade unions, or at home, in a negotiation in the family)<br>- the territory of one of the parties (at a friend's), neutral place (in the city, at a restaurant) |
| <b>The time of negotiation</b>  | - definite period of time (one hour or several hours), whose limits                                                          | - definite period of time (one hour or several hours), whose                                                                                                                                                    | - indefinite time                                                                                                                                                                                                                                                               |

|                                                 |                                                                                                                                  |                                                     |                                                                                                                    |
|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
|                                                 | can be exceeded,<br>however, if needed                                                                                           | limits can be<br>exceeded, however, if<br>needed    |                                                                                                                    |
| <b>The way<br/>negotiation is<br/>completed</b> | - most often written<br>agreement<br>- in some cases, verbal<br>agreement (for<br>example, in a<br>negotiation at the<br>market) | - written agreement<br>- rarely verbal<br>agreement | - verbal agreement<br>- rarely written<br>agreement (for example,<br>in the negotiations with<br>the trade unions) |

## 5. Conclusions

Due to the diversity of fields where it appears, negotiation has become an object of study in recent decades, thus opening up the path to 'various considerations regarding its significance, the processes it covers, the role of the actors involved, the advantages and disadvantages of extending it to all types of relationships between groups and people.' (Bellenger 1984: 15)

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