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The practice of preparation for complex negotiations

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Abstract

Negotiators are routinely exhorted to prepare well, but what do they do in practice? This article draws on data collected as a team of negotiators prepared their strategy during the lengthy negotiations over a major power generation infrastructure contract. Using a framework that we developed using terms from the literature, the team's preparation meetings were observed and then analysed for content, timing and changes in participation. It is shown that the standard checklist notion of preparation needs to be reconsidered as a multilevel, dynamic concept that changes in character over time. Far from just a first stage, the team's continued preparation occurred in feedback meetings after rounds of negotiation at the table, between negotiation sessions and immediately before the next round of negotiations, and progress was seen to hinge on the differentiation of the preparation. Consequently, this long-term study provides insight into a key element of any general theory of negotiation while also suggesting implications for practitioners working with negotiating teams.

Keywords

Preparation process, business-to-business negotiation, negotiating team, negotiation case study

Introduction

Most negotiators would agree with Benjamin Franklin's dictum that 'by failing to prepare you are preparing to fail'. The advice offered in the literature on preparation is, typically, a lengthy checklist of factors to be considered before embarking on the negotiation, whether it be in business, diplomacy or counselling. In other words, preparation is seen as a phase or stage at the beginning of the process, conducted privately by each of the parties. For the rest of the negotiation, the activity that will determine the result happens at the table. In contrast, this study sets out to examine the process from the perspective of a negotiating team working over many months to secure a major contract for a multinational infrastructure manufacturing company. Contracts of this type could be worth a hundred million dollars or more. The team's day-to-day experience included continued preparation in order to implement, adapt and supplement the original strategic effort their company had made to prepare. This activity, away from the table but continuous up to the very end, produced both the small part-solutions to problems and the turning points on which progress hinged. As Druckman and Olekalns (2013) point out, to understand critical incidents in a negotiation involves looking at events that precipitate them. Consequently, exploring negotiators' preparation activities that occur before and alongside a negotiation will contribute to an understanding of the negotiation process. To account for this expanded notion, the article will explore the anatomy of the preparation process, testing the standard advice and assumptions against the evidence of the case study, and arrive at a more nuanced view of where and how the preparation activity by negotiators interacts with a dynamically changing negotiation. The insights obtained aim to revise the accepted notion that preparation is just a first phase, as might be implied in many general descriptions of the negotiation process (see e.g. Baber, 2018, Jang et al., 2018). Instead it is an

ongoing, fluid process. The article seeks to offer guidance for practitioners as to how to manage this process, and to suggest avenues for further research. In the following, the literature is examined for current assumptions about the factors that should be considered when preparing for negotiation. On this basis, in Section 1, a distinction is made between preparation as a phase, involving senior management, and as an ongoing activity, centrally involving the negotiating team. This gives rise to three propositions about the team's approach that will be tested: their balancing of value claiming vs value creation; the participation they consider necessary; and their agenda over time. In Section 2, the case study is presented as a reality check on these expectations, with data on the distribution of topics discussed in preparation meetings. In Section 3, the findings are discussed in two sub-sections divided between the issues that surface as the process progresses, and the distribution of such occurrences before and after sessions at the table. Finally, in Section 4, a return to the propositions in the light of the findings shows that the checklist expectations must be revised in order to encapsulate the dynamic nature of the preparation task.

The notion of preparation in the literature

Prominent researchers as well as practitioners in the field of negotiation stress the importance of preparation for negotiation. The term 'preparation' is used to cover a broad range of actions by negotiators but a review of the literature suggests that two closely related themes can be identified, one that refers to preparation as a first phase in the negotiation process and one that refers to it as a list of activities.

Preparation as a phase

Preparation as a *phase* or stage in the overall process of reaching an agreement has received some recent recognition from theorists seeking to establish general models of the negotiation process. Baber (2018) includes a 'deal design' phase in his overall description of negotiation, a phase during which goals are refined, issues are researched, offers and variations of those offers are prepared and the negotiating team generally organises itself. From their review of negotiations to establish collaboration in relation to innovation, Barchi and Greco (2018) have a similarly broad perspective and emphasise partner selection and the assessment of both power and trust as key aspects of preparation. Jang et al. (2018) identified three phases in their general model of negotiation: planning, bargaining and implementation. However, from their extensive review of the literature they found few examples of research into the planning phase (Jang et al., 2018: 324). Similarly, surveys of negotiation research find little emphasis on the task of preparation (Agndal et al., 2017; Herbst et al., 2011). This lack of interest in how negotiators go about preparing (Buelens et al., 2008; Pruitt, 2011) leads to generalisations such as 'once the preparation of the negotiation is completed, firms must put their strategies into practice' (Barchi and Greco, 2018) and this gap in research diminishes the value of any prescriptive theorising (Jang et al., 2018: 322).

This observation hints at an underlying (and not unreasonable) presumption that negotiators should prepare for the type of negotiation they want to then engage in. Following this approach, if negotiators wish to engage in an interest-based process of negotiation they should prepare for that eventuality, and as Tomlinson and Lewicki (2015) suggest, this should be done by defining their interests, best alternatives to a negotiated agreement (BATNAs), targets and walkaways and also by gaining as full an understanding as possible of the other party before starting the negotiation. Fisher and Ertel (1995) take a similar approach in their seven elements framework that includes recommending that negotiators also give consideration to aspects such as communication and commitment. Craver (2016) envisages a more competitive negotiation in which good preparation enhances bargaining power. Given the different ways negotiations might unfold, Fleming and Hawes (2017) propose a scorecard to enable negotiators to anticipate whether a forthcoming negotiation is likely to be cooperative or competitive, so that they can then prepare accordingly.

Preparation as a list of activities

Because there is clearly an identifiable phase before the negotiation during which negotiators prepare, it should be considered what *activities* negotiators undertake during this phase. A sizeable part of the literature recommends a checklist approach (such as Brett, 2007; Lewicki et al., 2010; Peterson and Lucas, 2001). Peterson and Shepherd (2010) suggest 34 factors to consider; the Harvard Program on Negotiation (2017) lists 32 factors, also acknowledging that this list may not be complete. A thematic analysis of the literature on preparation for negotiation by one author (Lindholst, 2015) identified a long list of 58 distinct preparation activities from a comparison of major textbooks; the length of these lists poses challenges for both practitioners and researchers. Further, studies, such as that by Peterson and Shepherd (2010), are often based on self-report data from participants in a simulated negotiation or from surveys, thus echoing the warning in Jang et al. (2018) about the dearth of observed studies to act as reality checks. This article seeks to contribute to the literature by providing and analysing data from actual business negotiations.

Meanwhile, a brief summary of the negotiation literature's recommendations can be attempted: Preparation must be comprehensive; negotiators must research the context and particularly their BATNAs, as well as researching the other party. They must formulate their goals and their approach with regard to the subject matter for negotiation and develop a strategy. Relationships are important in building and maintaining B2B contracts (Rogers and Fells, 2017; Thomas et al., Lindholst et al. 32015); on the one hand, this encourages a collaborative approach (commonly an interest-based approach to negotiation, following Fisher et al., 1991); however, on the other hand, the prevalence of competitive issue-based tactics in B2B negotiations (see Geiger, 2017) requires these to be considered as well. Finally, negotiators must plan how to run the process through to an agreement and ensure follow-up measures.

In general, the advice is directed towards individual negotiators, but when negotiation is to be conducted by a *team*, the preparation includes issues of communication. The basic advice is for the company to select a team with different professional roles in order to benefit from diverse expertise. As team members will have clearly defined roles to play, ground rules for expected contributions should be included (Behfar et al., 2008; Hames, 2012; Thompson, 2015). Time for feedback is recommended to debrief and learn from experience (Lempereur and Colson, 2010, Movius and Susskind, 2009). Timeouts and interruptions are also techniques suitable for social preparation, rather than solitary 'rumination', as negotiators who ruminate tend to engage in competitive thinking (Druckman and Olekalns, 2013).

The complexity of preparation: Three levels

This review of what it might mean to prepare for a negotiation reveals the complexity of the task when anticipating anything but the most straightforward of negotiations. It is recognised that negotiations are messy and might operate through a cyclical process (Baber, 2018; Fells, 2016; Jang et al., 2018), for example, when the rejection of a proposal provides new information and insights that need to be considered, which means that the preparation activities will continue even though the initial preparation phase has been completed. Business negotiations with multiple rounds in which processes and outcomes are intertwined need to be continually reevaluated if they are to be successfully managed (Watkins and Rosen, 1996).

This temporal aspect raises questions as to whether the nature of preparation changes over time or whether it is conducted by different people. For example, early research by Roloff and Jordan (1991) confirmed that negotiators who set high goals put in more effort and achieved better outcomes (these findings being derived from negotiations conducted under experimental conditions.) However, with regard to negotiations in a broader organisational context, the primary goals for the negotiation might be set elsewhere, perhaps by the CEO or board (Fells, 2016; Jang et al., 2018) leaving the task of developing strategies to achieve these goals to the actual negotiators. Therefore, the goals that these negotiators develop would be more tactical.

The terms ‘preparation’ and ‘planning’ are used, but not consistently; for example, Peterson and Shepherd (2010) envisage that negotiators ‘plan’ for a forthcoming negotiation, but ‘prepare’ for a forthcoming meeting, whereas Barchi and Greco (2018) regard the entire process as ‘planning’, and others call this ‘preparation’. We suggest, therefore, a terminological distinction between the strategic preparation that is done as a phase preliminary to the negotiation proper, and the preparation activity that continues on the operational level. We call the first phase the *macro-level preparation*; it involves a large number of people in the company and, notably, senior management. It is typically a period of prolonged research prior to a final decision to proceed (or not) and engage with the other company to negotiate and conclude a deal. The goal of this negotiation and its parameters will be set before negotiation commences. In the present study, this macro-level preparation leading up to the negotiation process occurs in what the company terms the ‘lead process’, in which issues of qualification and value engineering are settled.

Second, once the negotiating team have been appointed, they are charged with realising this, hopefully, beneficial opportunity. In general, they will have some knowledge of the other company, but not the actors, they will be aware of their organisation’s goal for this project, the time frame and the bottom line, but will have considerable autonomy in relation to elements such as subgoals within the overall package and they will know what their own interests in the project are but not the other party’s priorities, and so may have to conduct further research. They have to consider how to present their case and how to handle the other party’s approach to the negotiations. For this, they prepare at the operational rather than strategic level, with a forthcoming meeting in mind.

In a succession of meetings (in this study, 19 sessions between the company and the customer team) this preparation activity is repeated for each meeting, giving rise to the possibility that the preparation activities may change over time as the negotiations progress. A further differentiation may also be possible in that the teams’ activities are directed at their next customer meeting, which in the case study might be some weeks or months in the future. In the aftermath of a session with the other party, the negotiating team might review progress and determine what now needs to be done and who is responsible. Then, during the intervening period, the team members prepare individually for the forthcoming session by addressing their specific tasks. Finally, prior to the next session with the other party, the negotiating team meet and prepare for how they will handle the forthcoming session.

We call this level of preparation, which is a blend of operational and tactical considerations, *meso-level preparation*. This terminology anticipates a later finding of this article that there is a third *micro-level* of preparation, which involves preparation that will be brought into play later at the table itself (see Section 5), and which can usefully be included in our framework to complete the description of the complexity of the preparation process. However, the meso-level is the focus of this study, as it is at this level that the general advice discussed above can be seen in action when the negotiating team prepares.

Expectations

When the team sets out, they hope to land the contract within the framework they have been given. With so much initial effort invested in the project (macro-level preparation), the meso-level preparation can be expected to focus on how to achieve the potential benefits of the deal. This will involve collaboration to create as much value and mutual benefit as possible (while being alert to the need to claim sufficient value to meet the team’s goals). So, an essentially cooperative negotiation would be envisaged, and therefore prepared for. The first expectation for the role of meso-level preparation work can be formulated as follows:

Proposition 1: The approach to value creation vs value claiming

Because a contract negotiation at this stage seeks to materialise the prospects of collaboration, preparation should be expected to be essentially other-directed, researching ways to meet the other’s requirements while keeping one’s own goals in mind.

However, any assumption that the negotiation process moves unidirectionally from initial requirements to end result is ill fitted to large-scale negotiations in which processes and outcomes are intertwined; in reality, a project normally breaks down into several sub-issues. A typical major B2B negotiation will involve technical, legal and financial aspects, each requiring negotiated solutions before an overall agreement can be achieved. As a result, the focus of the negotiation – and the substantive expertise required – will shift during its course. Thus, the team cannot really be expected to be a unit throughout, as events may necessitate the temporary cooption of new members to deal with certain issues. The process can be likened to a piece of music with polyphonic lines, running concurrently with shifting importance of the theme in the separate lines, but always dependent for overall harmony on the progress of the others. This observation gives rise to the second expectation:

Proposition 2: Tasks and participants

Because a complex contract negotiation is characterised by its several interdependent sub-projects, meso-level preparation should be expected to be geared to shifting sub-projects, involving different tasks and different people.

Third, it is indicated in the literature, as well as in practitioners' experience, that the lines of enquiry converge over time. Experience will mean that negotiators draw on precedents (Crump, 2016), pursuing the line with the most recognisably viable options. The phase nature of negotiation (Fells, 2016; Fisher et al., 1991; Putnam, 1990) envisages that negotiators provide information to understand the issues and the parties' respective interests, then seek new creative solutions before coming to a final point of agreement. It would appear, then, that to prepare for this, negotiators' focus in preparation will shift over time, from themes such as goal realisation to detailed expertise and implementation. This expectation can be formulated as:

Proposition 3: Preparation activity over time

Because a complex contract negotiation takes substantial time during which progress must be monitored and the end kept in sight, meso-level preparation should be expected to change in nature over time, from broad groundwork themes to detailed issues.

Although it is clear that a single case study cannot confirm or discredit these assumptions, it can, however, serve as one of those reality checks by using sustained observation data that is extremely hard to come by.

The case

The case study approach

Access to the full process of preparation (but not to the sessions at the table) was granted by the company for the purposes of an academic study, with the quid pro quo of the researcher providing negotiation training for some of the sales staff. The first author followed many months of preparation of the sales team in relation to negotiation sessions as the project in question came to fruition, in order to record the issues and concerns as they surfaced. The position is, therefore, halfway between insider and independent observer. The advantage of being an insider is the ongoing access to closed settings, which results in the data having greater depth (Dwyer and Buckle, 2009); the drawback is the risk of becoming too involved (Bryman and Bell, 2007) and not maintaining objectivity. Consequently, great care had to be taken to establish independent data collection criteria.

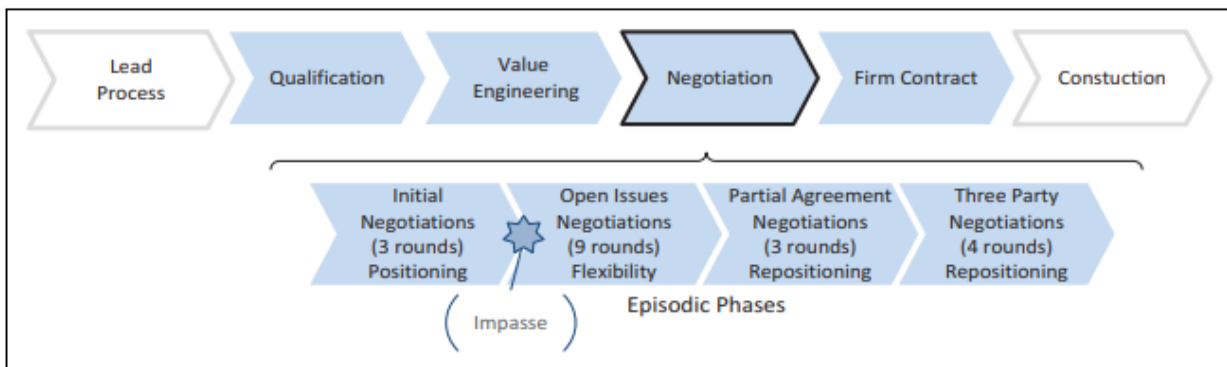


Figure 1. Manufac Co sales process and the episodic negotiation phases in the case study.

Both Yin (2009) and Farquhar (2012) make the point that good case studies are representative of the industry in that they can capture recognisable circumstances and conditions. Infrastructure projects are typically large, complex and expensive. The contracts will normally cover design, manufacture and then construction on site, often with ongoing servicing. This is true of the present case study, which also had the potential to become longitudinal, and so provide specially prized data. Data collection of this kind is highly dependent on the collaboration of the participants; they were willing to include the researcher in every exchange of information and gave written assent to the publication of the data. The negotiators in the team had participated in negotiation courses and so were cognisant of the principles of good preparation; they had worked together in many previous successful negotiations, and their overall experience meant that they were suitable subjects for research into the way in which negotiators prepare for a negotiation.

Data collection

For collection purposes, ‘planning and preparation’ was defined as internal communication concerning the project, that is, both designated pre- and post-session meetings of the negotiating team, and the ongoing enquiries, mostly electronic (emails, chat logs). The macro-level preparation work on the potential contract involved a wide range of managers, technical experts and others, some of whom were called upon again during the negotiation itself. However, the decision power within the given mandate according to the company sales process (see Figure 1) lay within the core negotiating team. Hence, the unit of analysis (Yin, 2009) of the case study is the negotiating team, which is defined as the individuals participating in the planning and preparation meetings both prior to and after the sessions with the customer or, in other words, the meso-level preparation. The primary data source (Farquhar, 2012; Yin, 2011) then, is the synchronous group interactions during the planning and preparation meetings.

The primary data were collected during team meetings held immediately prior to anyone entering a session with the customer, and post-session meetings held immediately or a few working hours after the customer session. Over the months of negotiation the team included 16 people from 7 countries in North America, Europe, Asia and Africa, and because of this, the meetings were conducted by means of face-to-face presence, video conferences and conference calls. The core team consisted of the sales manager (seller’s lead negotiator), the transaction lawyer and the sales executive. A fuller history of the sale is provided below.

Table 1. Case study negotiation: Preparation meetings.

Meeting type	Meetings [n]	Duration [hh: mm]	Participation									
			Lead negotiator	Sales executive	Legal	Service	Other					
Pre	17	6:33	6:21	97%	5:02	77%	3:14	49%	1:45	27%	1:27	22%
Post	19	5:50	5:50	100%	3:32	61%	3:57	68%	0:24	7%	0:07	2%
Total	36	12:23	12:11	98%	8:35	69%	7:11	58%	2:09	17%	1:34	13%

% – time involved in the meetings as a % of total meeting time

The collection period of primary data was from January 2012 to January 2013, covering 19 customer meetings with a total of 36 recordings, 17 of pre-session meetings, and 19 of postsession meetings. Of the almost 12½ hours of recording, 53% related to the pre-session meetings and 47% to the post-session meetings (see Table 1). The participation pattern was logged in order to follow where the majority of the input came from, and to track the shifting needs for expertise.

In addition, secondary data were collected from various sources, that is, interviews with the lead negotiator (the sales expert), which were recorded and transcribed (6 recordings of a total duration of 52 min), internal and external emails (194 emails from 12 different people) and written notes by the researcher from various conversations with team members, both individually and collectively, and including electronic exchanges. The purpose was to document the extensive activity that went on away from the table, and to get an idea of the importance that the team members attached to various aspects of their activity. The secondary data were collected from January 2012 to July 2013. The meetings and interviews were conducted primarily in French and Spanish; quotations in this article have been translated into English by the researcher.

Analysis methodology

The transcriptions of the pre- and post-session meetings were analysed for themes raised by the negotiators that indicated a particular concern, such as goal setting, context of the industry (e.g. competition) or roles to be undertaken by the team members, and coded after submission to a CAQDAS-supported thematic analysis (Braun and Clarke, 2006). A threshold of eight occurrences of a theme over time was set as the minimum number of observations for an activity to be registered. With regard to coding, MacQueen et al. (2008) found that the use of a structured codebook fosters a reflexive approach that serves to verify whether, how and why one piece of text is similar or different to another, and when to include or exclude a judgement from a given source. Consequently, and to further increase the reliability of the study in cases in which the coding was conducted by a single researcher, a codebook was developed with the purpose of maintaining consistency throughout the coding process by defining when and when not to use a specific code (Saldaña, 2009).

The codebook developed builds on the review of the literature on planning and preparation conducted by Lindholst (2015) in order to establish what the negotiation literature regards as sound preparation practice. From a long list of 58 distinct preparation activities, the framework identified 5 broad themes and 18 sub-categories. These were compared in order to create a comprehensive model and avoid the use of idiosyncratic terms and definitions (Yin, 2009). The 18 sub-categories (Table 2) were used as coding framework for the analysis that follows.

Table 2. Registered pre-and post-session activities in the study.

-
1. Information gathering
 - 1.1. Environmental context
 - 1.2. Nature of interaction
 - 1.3. Negotiation context
 - 1.4. The other party
 2. Formulation
 - 2.1. Issues, interests, positions and priorities
 - 2.2. Options
 - 2.3. Reservation points
 - 2.4. Goals
 3. Setting the table
 - 3.1. How to negotiate
 - 3.2. How to organise the team
 - 3.3. What to negotiate – agenda
 4. Integrative strategy and tactics
 - 4.1. Understand the underlying interests and needs
 - 4.2. Generate integrative solutions
 - 4.3. Legitimacy
 5. Distributive strategy and tactics
 - 5.1. Reservation points and goals
 - 5.2. Positions and concessions
 - 5.3. Develop arguments and counter-arguments
 - 5.4. Hard bargaining tactics
-

The anatomy of the sales project

A brief history of the project and ensuing negotiation is provided here to give a sense of the complexity of the task facing the negotiators. This illustrates why a single-phase macro-level preparation effort is inadequate for complex negotiations such as these.

The negotiation concerns the sale of a power generation plant including transport, installation, start up and a full-scope service agreement, the contract value being over €75 million. The anonymous company, here called Manufac Co, manufactures power plants and is an established leader in the field. Based in Europe, it builds and supplies power generation capability for developers of energy projects around the world. At the time of the data collection, the global financial crisis was having an impact: competition between the suppliers was fierce and underutilised production capacity led to increased pressure on prices.

Manufac Co has a formal sales process from ‘lead process’ through to ‘construction’ (Figure 1). Once a prospect has been identified, much research is done to assess the technical and financial dimensions of the project before a decision is made whether to formalise a detailed response and proposal (the quotation). Taking this step signals to the customer that Manufac Co is bidding for the business. If the response from the customer is positive, negotiations commence. The customer may also be in negotiation with other potential suppliers but it is not normal to pursue two parallel negotiations in relation to the same project for any length of time. Negotiators on both sides will normally have to refer back to their respective organisations during the negotiations and for any final agreement to be ratified. Then, the formal legal documents (the firm contract) will be negotiated and drawn up. Once these documents have been signed by both parties and financial closure has been achieved, Manufac Co then moves the project forward into the construction phase.

The other party to this process, Power Co, is a renewable energy developer that operates a significant number of energy plants across the globe. The two companies have a history of successful projects dating back almost two decades and at the time of the observed negotiation were also in negotiation with regard to other projects in different parts of the world. Typically, the customer would also be in discussion with financiers and local authorities, making the negotiations a multiparty affair, as was the case of the negotiations being studied here.

The negotiations were complex and long, involving a potentially deal-breaking impasse (see Figure 1). In June 2009, Manufac Co's sales manager (later to be the lead negotiator) identified a possible sales opportunity and contacted the potential customer, Power Co, by email. He had a meeting (scheduled at neutral premises, an airport) with a Power Co representative, after which the two companies agreed to explore whether they could work together on this project. Over the next 18 months – a time frame that reflects the complexity of these projects – both sides worked together to clarify technical and other specifications. By November 2011, Manufac Co felt in a position to make an initial proposal and quotation. Power Co felt it could work with this proposal and so formal contract negotiations were started at Manufac Co's premises in January 2012. (It was at this point that the researcher began the observations of the seller's internal activities.)

Even though the companies had a shared history, the primary players on the two negotiating teams did not. Over and above the sales manager (seller's lead negotiator), the transaction lawyer and the sales executive, who constituted the core team, colleagues from six different departments in Manufac Co were directly involved. On Power Co's side, the key people were the lead negotiator, the transaction lawyer and the project manager.

The first meeting, over two days, enabled the negotiators to confirm their understanding of the issues, a process that continued via email, over the telephone and during shorter face-to-face encounters. In April, another formal session was organised at Manufac Co with the participation of the company's service and regional heads. Prior to this session, the customer lead negotiator had provided a list of open issues to be discussed. The meeting was formal but cordial, making progress in clarifying issues.

Manufac Co's team had a 'good feeling' about the negotiation, but this feeling did not last long because the lead negotiator received an email soon after from the customer's lead negotiator threatening to approach the competition as a result of the project's lack of progress. The lead negotiators then hosted a conference call in May 2012 during which some of the open issues were discussed and an agreement reached on how to alter the process with the purpose of accelerating the negotiation. For the next three months, the parties conducted weekly conference calls during which incremental steps were taken, although many issues remained unresolved. In July 2012, the parties met again in person (at Manufac Co) to discuss the service agreement, which from Manufac Co's perspective was one of the key remaining issues. Agreement on this was reached in principle, which also signified both parties' continued commitment to the negotiation process, but the overall project was in danger of being delayed.

In September 2012, Power Co's project manager convened a meeting to make progress on critical components of minor economic value but whose timely execution would have a high impact on the whole deal. He had planned for the meeting to be face to face, but in the end it was conducted as a conference call. Eight hours of negotiation failed to reach an agreement. However, both parties were working to complete the deal despite the difficulties over specific issues. Then, Power Co agreed to exclusivity, which was important to Manufac Co's continued investment in the process, and changes were made in the supply chain to decide the end-of-life date for the chosen technology. Parallel to these negotiations, Power Co had been in discussions with a co-investor, and in June 2013 they secured the necessary funding for the project. The negotiations then became tripartite so that the contract's financial issues could be addressed. The conditional

agreement was signed in August 2013, more than four years after the initial contact. The researcher ceased following the negotiations when they became tripartite.

This development contains four episodic phases: phase 1 is the initial phase of three rounds, which ended in an impasse; phase 2 is the open issues phase, consisting of nine rounds; phase 3 is the partial agreement phase of three rounds; and phase 4, with four rounds, is the tripartite negotiation that closed the contract. This constitutes the framework for the data analysis below.

Analysis: How the negotiators prepared

The analysis of the observed negotiator activities will be divided into two parts: first, what they talked about in each of the four episodic phases; and, second, the difference between issues raised in the regular meetings immediately before a session with the other party (pre-session meetings) and in the meetings immediately after such a session (post-session meetings).

What they talked about over the months of negotiating

The data presented in Table 3 show both the scope and the ongoing, iterative nature of the preparation task. The bulk (n=491 (68%)) of the 134 registered occurrences is found in just six categories, indicating that the negotiators, perhaps predictably, paid most attention to the context of the negotiation and the other party: what they were hoping to achieve and what their limits were, and how they might then negotiate. However, the emphasis shifts during the course of the negotiation.

In summary, the negotiators gather information, formulate their approach on the issue and get themselves organised. Collectively, the negotiators consolidate their individual understandings of the situation, that is, the information they have gathered separately. Information gathering continues throughout the process, which lasts 13 months. In the 'Setting the table' category, 'How to negotiate' covers agreements about ground rules and contributions from the individual members of the team, an area that an experienced team will take more or less for granted, but which new teams need to agree on. The high figure is noticeable in the second phase, after the impasse.

Chiefly, the negotiators consolidate their views on issues, interests, positions and priorities. 'Positions' here include everything they could not agree to, given the reservation points that are part of their macro-level brief. However, surprisingly, although reservation points get a good airing, goals do not. The issue of reservation points disappears in later phases, when there is a clearer image of the other party's limits and agenda, but a planned concession only appears once in the third phase of the negotiation, and there is no talk of possible logrolling. Neither do the negotiators feel a need to develop legitimacy arguments or even test their own assumptions. In other words, it seems that the negotiators focus on their lower limits rather than on their target or possible creative solutions.

The other party is discussed during the first half of the meetings, as could be expected. However, their possible interest plays no particular role; the negotiators do not appear to develop questions to assess the interests and priorities of the other party as part of their initial preparation. However, their consideration of the customer's perspective increases after the negotiations reach an impasse.

Table 3. Pre- and post-session activities and when they occur.

Activity category	Observations				
	Total	Initial negotiations (3 rounds)	Open issues negotiations (9 rounds)	Partial agreement negotiations (3 rounds)	Tripartite negotiations (4 rounds)
Information gathering	30	8	12	6	4
Environmental context	0	0	0	0	0
Nature of interaction	0	0	0	0	0
Negotiation context	13	3	4	4	2
The other party	17	5	8	2	2
Formulation	40	23	12	3	2
Issues, interests, positions and priorities	20	11	6	1	2
Options	8	5	3	0	0
Reservation points	11	7	3	1	0
Goals	1	0	0	1	0
Setting the table	35	9	20	4	2
How to negotiate	17	2	12	3	0
How to organise the team	13	6	5	1	1
What to negotiate – agenda	5	1	3	0	1
Integrative strategy and tactics	9	2	4	3	0
Understand the underlying interests and needs	4	2	1	1	0
Generate integrative solutions	5	0	3	2	0
Legitimacy	0	0	0	0	0
Distributive strategy and tactics	20	8	8	3	1
Reservation points and goals	2	0	2	0	0
Positions and concessions	1	0	0	1	0
Develop arguments and counter-arguments	9	5	2	1	1
Hard bargaining tactics	8	3	4	1	0
All themes	134	50	56	19	9
Observed time planning and preparing					
hours: minutes	11:36	2:53	4:20	3:13	1:50
as % of total time spent	100	23	35	26	16

The negotiators continue throughout to prepare and plan their hard bargaining tactics, which suggests that the negotiations are viewed as distributive rather than as problem-solving exercises. Particularly during the first phase the preparation is predominantly distributive, although it becomes more balanced with integrative perspectives in the two subsequent phases. In combination with the absence of high goals, the preparations take on an aspect of defence of a readymade vision concerning their own utility, pre-determined by the original quotation.

Part of the explanation for this lopsided pattern is very likely to be found in the clocked-up minutes recorded in Table 3. For 18 rounds of sessions at the table, 12 h 23 min is a very limited amount of observed preparation time; the average length of meeting was just 23 min. This is in contrast to sessions with the other party, which took anything from one hour to eight hours. With such a short time alone for the team, there is clearly no room for floating ideas or speculating about motives.

Preparation before and after sessions at the table

The role of pre- and post-session activity can be understood as a process of integration of new information that might shape the future course of the negotiation. Because it has been possible to follow issues from pre- to post-session meetings and then to future action, there would seem to be strong indications that the contents of the post-negotiation discussions are an indication of what happened in the negotiation session that has just concluded. These post-session meeting discussions might become, in effect, a reflection on how well the negotiating team prepared. Table 4 shows the distribution of issues in pre- and post-session meetings.

Table 4 indicates that the debriefings (post-session meetings) were conducted with the same rigour as pre-session meetings (19 post- vs 17 pre-session meetings) and were only slightly shorter in duration (total 5:50 vs 6:33 h). The importance of the post-session meeting as a preparation technique is reflected in the number of different pre- and post-session activities that are conducted during these meetings.

Table 4. Preparation activities in pre- and post-session meetings.

Activity category	Total	Pre-session meeting observations	Post-session meeting observations
Information gathering	30	17	13
Environmental context	0	0	0
Nature of interaction	0	0	0
Negotiation context	13	6	7
The other party	17	11	6
Formulation	40	23	17
Issues, interests, positions and priorities	20	12	8
Options	8	3	5
Reservation points	11	7	4
Goals	1	1	0
Setting the table	35	20	15
How to negotiate	17	6	11
How to organise the team	13	11	2
What to negotiate – agenda	5	3	2
Integrative strategy and tactics	9	5	4
Understand the underlying interests and needs	4	3	1
Generate integrative solutions	5	2	3
Legitimacy	0	0	0
Distributive strategy and tactics	20	18	2
Reservation points and goals	2	2	0
Positions and concessions	1	1	0
Develop arguments and counter-arguments	9	9	0
Hard bargaining tactics	8	6	2
All activities	134	83	51

There is a similar relative frequency in the pre- and post-session meetings in the first four themes (information gathering, formulation, setting the table and integrative strategy and tactics) even though the majority of occurrences took place in the pre-session meetings (83 vs 51, or 62% vs 38% relative frequency). In an integrative strategy, the activity of ‘Understanding underlying interests and needs’ is notable in that there is only one post-session meeting occurrence. The distributive strategy and tactics activities are almost entirely conducted in the pre-session meetings (18 vs 2 occurrences), and primarily stem from the

preparation of arguments (9) and hard bargaining considerations (6). Thus, arguments and strategies are not subjected to evaluation via feedback.

Even though the majority of the activities in the ‘Setting the table’ category were conducted in the pre-session meetings (57% vs 43%) there are a considerable number of activities that take place during the post-session meetings. ‘How to organise the team’, typically concerned with aligning the team, is not done unexpectedly in the pre-session meeting (pre-session meeting 11 vs post-session meeting 2). On the other hand, some activities take place primarily during the post-session meeting, most interestingly, ‘How to negotiate’ with 11 observations in the post-session meeting as opposed to 6 in the pre-session meetings. The section’s sub-issues in relation to who should participate and procedural rules occurred almost exclusively in the post-session meetings, and these topics were mostly observed in the open issue phase after the impasse. This category is the clearest example of feedback issues that are most relevant immediately after a session, with implications for who does what and in what circumstances at the next session; such issues are a great deal easier to visualise with recent experience still fresh in people’s minds.

The secondary data, that is, the many communications to people connected with the project and the interviews, reflect the fact that at the sessions with Power Co, questions are raised that need answers before renewed customer contact. This creates a new category, which is neither pre- nor post-session meetings, but *between-sessions work* in preparation for the next step and, in particular, for the next pre-session meeting, as illustrated in Figure 2.

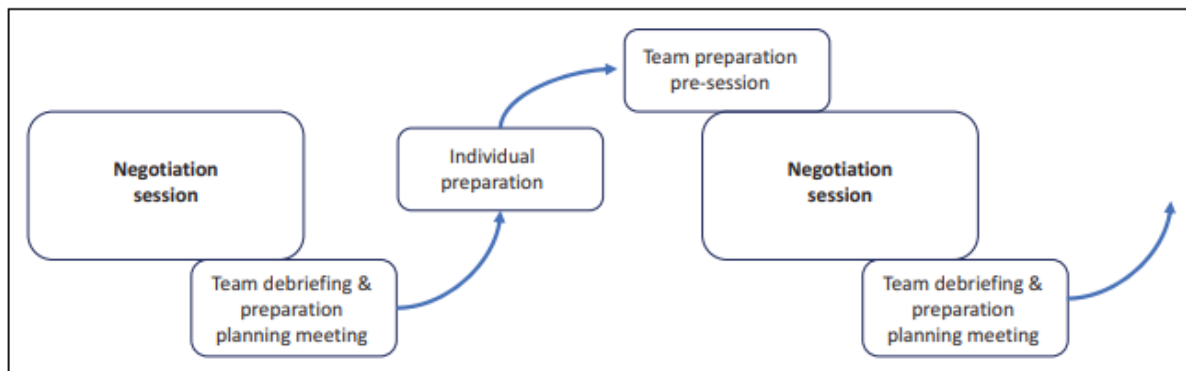


Figure 2. Preparation activity over time.

The secondary data show that communications extended upwards into central management (in fact, hoping for intervention), sideways to investigate legal, financial and other issues within the organisation and outwards to suppliers for technically and logistically highly detailed discussions. Notably, this activity produced a suggestion from the sales executive of Manufac Co that changed the process enough to produce a breakthrough after the deadlock; later, a supply chain expert solved a potentially deal-breaking problem concerning the end-of-life date for the chosen technology. The skill at stake here is the negotiators’ ability to diagnose precisely the nature of the problems that need to be prepared for, and whom to involve in the attempt.

Discussion: Expectations vs recorded practice

Although the negotiators generally undertook the range of tasks suggested in the prescriptive literature, some interesting variations were observed that can now be checked against the hypotheses from Section 1.

Proposition 1: Approach to value creation vs value claiming

We proposed that with so much initial effort invested in the project, meso-level preparation could be expected to be essentially cooperative, that is, problem solving to balance the other's interests with the company's goals.

It has already been shown that for these negotiators, this is not the case. There is a marked tendency towards the distributive course of action for the earlier phases, which is in line with other research that suggests that the initial bargaining phase of a negotiation, typically, will be distributively oriented as the parties position themselves (Morley and Stephenson, 1977; Olekalns et al., 2003). This raises the question of the organisational context and the mandated nature of the position that Manufac Co's negotiators bring to the table: although they do want to secure the contract (meeting requirements), they have also inherited 18 months' worth of exploration to see if there was any potential for a negotiable contract in the first place. By this stage, each party should understand the interests and concerns of the other, which means that experienced negotiators can short circuit the expected search for interests (at least until the impasse occurs). We suggest that the lack of preparation for integrative tactics may be reflective of the negotiators' experience in previous similar negotiations and the consequent recourse to precedent, homing in on the familiar range of feasible solutions.

Similarly, whereas the literature says that goal setting is important, this is not a strong activity for these negotiators. Again, the explanation may lie in recognising that business negotiations take place in an organisational context, one aspect of which is the mandate that results from senior management's macro-level preparation. This mandate would set the commercial parameters of the project together with other standard requirements (legal factors, risk factors). These would be given to the negotiators as being, in effect, non-negotiable, unless, in case of a deal-breaking situation, they would choose to refer back to senior management. On the other hand, the team has considerable autonomy over subprojects and general feasibility that might give rise to goal setting before and after sessions. Their job is to make the technical and cost factors 'work' for the company within these parameters.

However, the absence of aspirations and consideration of the other's interests from Manufac Co's preparation is thought provoking. The short time allocated to pre- and post-session activities suggests sharp prioritisation. Druckman (1994) found that time constraints had an impact on strategic choice and hindered the development of integrative agreements. Similarly, De Dreu (2003) found that negotiators under time pressure were less motivated to process information systematically and were less likely to question the fixed-pie perception during negotiation, which led them to assume that the negotiation did not have an integrative potential and must be successfully completed with distributive bargaining. The pre-session meetings are typically of short duration (average 23 min, maximum 45 min), suggesting that the negotiators have little time to Lindholm et al. 15 engage in careful processing as a result of the deadline created by the forthcoming customer meetings. The post-session meetings are similarly constrained by an understandable wish to get out and get on. It would seem that the lack of provision for sufficient time together constitutes a missed opportunity for creative thinking.

Proposition 2: Tasks and participants

We proposed that the pre- and post-session activities should be expected to show the influence of the project's many sub-parts. When the negotiation proper seeks to operationalise the macro-preparation, new tasks should emerge, with a need for preparation involving new participants, in an iterative pattern. This suggestion seems to hold. It has been shown that information gathering continues to be an issue, and that the negotiators call on their network to address new questions as they arise. In fact, once a decision has come out of the half-hour discussion that the team allows itself, the following between-sessions activity deals with substantial questions, most notably a crucial technical solution that became one of the turning points.

Network activity also extracted an intervention by senior management, similar to one described by Fells (2013), which became another turning point at the negotiation table. The interaction of management as the primary stakeholder with the negotiating team shows the significance of the organisational context in explaining the movement of a negotiation through to an agreement, and management's ongoing role in the preparation activities should be investigated.

For the categories recorded in the team meetings, some come to prominence only when they have been made relevant by events. Thus, the negotiators focus on the process aspect of 'How to negotiate' only after the negotiations have stalled. Establishing the ground rules and the types of planned contribution would be expected to happen at the beginning, as the heart of the preparation advice that is contained in team literature (e.g. Behfar et al., 2008). However, the late appearance of this activity is consistent with other observed negotiations (e.g. Kolb and Williams, 2001). This suggests that based on their past experience the negotiators in the study had presumed how the negotiations would unfold and only paid attention to this aspect once they realised that the negotiations had not progressed as anticipated.

A particular finding in relation to the distribution of activity in the pre- and post-session cycles is the use of post-session meetings, which in this case are not used for the expected evaluation. Discussions of feedback are found in the literature; thus, Lewicki et al. (2010) suggest that the postsession meeting is an opportunity for negotiators to vent their frustrations, and Lempereur and Colson (2010: 225) offer the broad advice to 'take time after a negotiation to debrief and analyse all its various aspects', clearly with a view to identifying what might be done better in forthcoming negotiations. The emphasis is on learning from experience.

In contrast, these negotiators move directly to the task of assigning between-sessions work, typically, further research or consultations that have to be undertaken prior to meeting again with the other party. A quote from one of the post-session meetings shows the importance of preparation time to get rid of a tricky point.

Sales executive talking to seller's lead:

Alright, I actually suggest a one-to-one email from you to [customer's lead], but to him alone ... it is an opinion the two of you need to share. But it will be strictly between you two in one of those one-to-one's you have. And maybe he will eventually drop it. Especially [if you bring it up] at the beginning of the call where he always says that all is fine. (Sales executive, post-session meeting, Document P105- 45: 11 min)

One reason for the extended use of post-session meetings may stem from the convenience of logistics as the team is already gathered (physically, by video, by phone). Furthermore, the postsession meetings save the often tedious exercise of scheduling and allow for speedy progress by agreeing on what to do in the shortest possible time frame. The number and weight of issues brought up in the feedback meetings suggest that the debriefing-action-pre-new meeting cycle constitutes an important rhythm in order to preserve the trajectory of the negotiation.

Proposition 3: Preparation activity over time

We suggested that despite the iterative nature of the pre- and post-session processes, a certain movement towards focus, typically, towards the financial hurdles, should be expected over time.

In this case, by the time the negotiations arrived at the tripartite stage, the records from the preand post-session meetings show that information gathering had dropped off and planning activities in all categories were at a bare minimum, just enough to keep the preparation for the next few meetings ticking over; so, perhaps not very surprisingly, the proposition holds.

However, in the secondary data there is evidence of one further category that does not drop off at all. This is the *tactical micro-planning* that goes on *during the session*, at the table, rather than during breaks.

The use of breaks is discussed in the literature, for example in the notion of ‘going to the balcony’ (Ury, 1993), and taking a timeout is a widely known method by which to cool off and to avoid reacting to one’s own immediate natural impulses and emotions (Brett, 2007; Hames, 2012; Luecke, 2003; Thompson, 2015). Moreover, a pause in the negotiation can also serve as an opportunity to assess the situation and adjust the strategic plan accordingly (Lempereur and Colson, 2010). During longer negotiations these breakouts may happen more naturally, for example at lunch time, or at the end of the day, as happened during the case study on various occasions. Adjournments can be called for when one of the teams feels the need to hold an internal caucus, although doing so might be perceived by the other party as being a signal of weakness to be exploited (Behfar et al., 2008). This study uncovered an alternative way of going to the balcony not described above and not found in the literature reviewed.

During the customer negotiations, the team consistently used a chat function. In industry it is customary to negotiate with your computer in front of you, thereby making possible the use of an instant messenger app during face-to-face and teleconference meetings. At times, these group chats extended beyond those at the negotiation table to include the sales executive and other internal specialists. In addition to agreeing upon the point at which to call for an internal caucus, the internal chat room served many other purposes, as exemplified in the quotation below by the sales executive:

Even with three people who are sufficiently informed about the details of the content of what is going to happen, I still find that the preparation for such a meeting is always done in two stages: first, which calls you make – you do this, you do that – and later on, during the meeting where you can reorient, reorganize, or support what a collaborator will need to explain. (Sales executive, post-session meeting, Document P88-15: 05 min)

The sales executive saw this use of technology as a way to convert the sort of team reflection that might take place during a break into a real-time event, similar to the concept of reflection-in-action (i.e. reflection in the midst of action) developed by Schön (1983). There are numerous examples from the internal chat log during the customer negotiation that show how the chat room was used to discuss – in effect prepare – a future move and align everyone with it before proceeding. In the following exchange (from the chat log of the lead negotiator) the service sales member consults with the lead negotiator on how to proceed: [service sales member] – ‘Should we let him talk about this or should we do it?’ [lead negotiator] – ‘We let him talk about it.’ On another occasion the lead negotiator seeks feedback from the team on whether to include the sales executive (who was on standby in the building) in posing critical questions to the customer. This would be a significant change in the process (as envisaged by Lax and Sebenius, 2006 or Watkins, 2006) in an attempt to break an impasse and so it would be important to prepare the team before making that call.

The use of chat rooms as a way of carrying out real-time preparation and planning was not an aspect that appeared in the literature review, perhaps due to this being a developing technology, and was, thus, an unanticipated finding. A broader review of the academic literature showed the same result, although Brett (2007) reports an interview in which the team leader of a buying team used a closed chat room during a conference call negotiation. The team leader expressed with certainty that ‘this electronically enhanced process had given his team a strategic advantage’ (Brett, 2007: 20). The team leader’s perception supports the statement by the sales executive in the case study and confirms that the practice of using internal chat rooms during buyer–seller negotiations is not limited to the company under study. On the contrary, the other party may perceive that the seller’s negotiating team is communicating away from the table, which may have a negative influence on their feeling about the relationship. Consequently, understanding how the use of internal chat rooms contributes to a negotiation’s effectiveness in different contexts seems a promising avenue of research.

Perspectives: The multilayered negotiation

Both practitioners and negotiation researchers emphasise the need for good preparation if the ensuing negotiation is to be a success. This article's analysis of how the team prepared for a major commercial negotiation contributes to our understanding of this important task in two ways: with practical insight and with a suggestion for revision of theory.

First, it provides practitioner data that can complement the findings from research in experimental settings. The practitioner data show that even though the team is brought in after the completion of the organisation's macro-level preparation for bidding, the negotiators do broadly follow the prescriptions found in the literature. They do so in meetings both before and after the sessions with the other party, and this practice is obviously useful for coordinating the negotiating team. It should figure as standard advice to practitioners, with guidance not just on letting off steam, but on reviewing ideas and on planning between-session activities, resulting in pre-meeting alignment. Further, the changing emphasis on preparation topics as the negotiations progressed suggests that the preparation task is as dynamic as the negotiations themselves. This being so, negotiators would be well advised to guard against any tendency to anchor their preparation on one or two key factors or regard their preparation as complete.

It was observed that in this organisational context, negotiators appeared to give more attention to their own situation than to that of the other party, and more attention to distributive than to integrative approaches, with hardly any attention to their own goal setting. In addition, it was shown that arguments and strategies were not subject to feedback analysis. An interesting avenue for further research would be whether negotiators who are generally successful in securing reasonable outcomes in repeated negotiations are, in a sense, conditioned to a pattern of negotiating and so are less amenable to innovative approaches to solution finding. It would seem that practitioner advice should include a warning against the assumption that precedent is a guide; an increased amount of pre- and post-session meeting time would encourage more creative ideas and more relevant arguments.

The shift in preparation focus after the impasse in the case study reveals once again the role played by a deadlock in provoking movement towards agreement (Ott et al., 2016). The growing research into turning points (Druckman and Olekalns, 2013) that draws heavily on examples from international negotiation could usefully be extended into the context of business negotiations to explore the impact of negotiation events on negotiators' approaches to preparation for subsequent meetings. The case study has highlighted the impact of organisational context on a negotiation, and a further avenue for research would be how the critical means by which senior management provide the mandate or other negotiating instructions to the negotiating team frames the negotiators' subsequent approach.

The second contribution of this article concerns negotiation theory. The data have given rise to new insights into the full breadth of the term 'preparation'. Preparation is typically envisaged as occurring in the lead-up to an event, but this case study has shown that preparation is continual, because the 'events' – the next sessions – keep recurring. Preparation activities occur *before*, *after*, *in-between* and *during* negotiation sessions, suggesting that preparation is truly an ongoing and multilayered activity, extending right into the negotiation room.

With this in mind, we have proposed a model for preparation at the operational level (Figure 2), which offers a more dynamic perspective to guide negotiators. Regarding preparation as an ongoing stream of activities surrounding the sessions will help embed the practice of preparing into the negotiation process. It requires discipline to review a negotiation session collectively and so start preparing for the next. It requires a negotiator to have an adaptive mindset, one that enables him/her to recognise that although he/she was prepared before the start of the actual negotiations, he/she might now have to prepare again, if new information, new strategies, perhaps new issues arise prior to the next session with the other party. This

places extra responsibility on lead negotiators who should manage the preparation process with the same diligence that they would apply in the meeting with the other party.

Finally, it follows from this multitiered approach that we suggest a revision to general overviews of the negotiation process in which contract negotiation figures. Even very comprehensive ‘maps’, such as the process envisioned by Jang et al. (2018), operate with a phase structure consisting of planning, bargaining and implementation, with a layer of management on top and a layer of third parties at the bottom (principals, interveners, observers), who may influence the negotiators. However, in an organisational context, the activity of the negotiating team suggests that such a division of labour is too neat: because the team members keep planning, they also keep liaising with management and actively coopt expertise when needed. The role of the negotiating team in the context of its organisation is not yet sufficiently explored.

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