



The view from across the table (or screen): Effective behaviours in strategic negotiations

by Dr Javier Marcos

Executive Summary

Negotiation, influence and diplomacy have always been crucial competencies in government and public service. Nowadays, UK government departments and entities face the need to hone negotiation capabilities to respond effectively to the need to secure multiple bilateral agreements and treaties.

This report offers insights to develop effective behaviours when engaged in team-based negotiations. It draws on the observations gathered from analysing negotiation simulations and practice in training programs with staff from the DIT, BEIS, DoJ, and other departments such as the HMT, Cabinet Office, and DoE.

The report offers advice across four key areas believed to be associated with high performance in complex negotiation contexts: (1) establishing and handling relationships, (2) taking control, (3) responding to challenging proposals and (4) managing oneself.

This report does not provide an exhaustive or comprehensive list of all the tactics that can be employed to secure advantageous agreements. Nor is it a guiding document produced from the systematic evaluation of real negotiation processes. It is a reflective summary of structured observations conducted in the context of a series of Civil Service Learning negotiation programmes with civil servants involving more than 325 staff across different seniority levels. When appropriate, concepts and theory from existing research and publications are used and referenced to provide a more rounded account of how these behaviours relate to negotiation effectiveness.

Examples of specific statements are offered throughout the report to illustrate conceptual insights and to make these more understandable. In some cases, we offer verbatim quotes that are deemed useful, while keeping anonymity and confidentiality. Some of these are taken from simulated international trade negotiations, as it is a context most government professionals can relate to.



Acknowledgements

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In designing and delivering the programmes that informed this report, behavioural experts from Practive, Adam Woodroffe, Phil Lowe, Hannah Dickinson, Sarah Woodruff and Rina Mahoney were instrumental. Their insights, quality feedback and expert advice created rich environments where the negotiation behaviours described in this report were brought to life. Huge thanks go to them for their sterling work in running and debriefing high-impact and relevant negotiation simulations.

1. Establishing and handling relationships

You don't have to like the individuals representing the other negotiation party to be able to address multifaceted and complex negotiation deals, but you have to establish a working (or workable) relationship.

Therefore, even in the most extreme cases of distributive negotiation (when the sole purpose of one party is to have an agreement that favours their position) you still need to be able to communicate, relate, and engage with the other party. The simulated negotiations we run have generated some insights to help establish and, when relevant, nurture the relationship with the other negotiation party.

1.1. Generate tactical empathy

Chris Voss^[1] claims that in negotiation one needs to create a climate of trust by exhibiting tactical empathy. This refers to “balancing the subtle behaviours of emotional intelligence and the assertive skills of influence, to gain access to the mind of another person”.

In our workshops, we experience numerous examples of how negotiators develop a connection and establish collegiality and cooperation with expressions like “it is encouraging to see we share an interest in supporting our respective sustainability agendas” or “what I like about your proposal is that it will enable us to establish the roadmap for...”

The teams we have worked with generally show great ability in expressing ‘justified gratitude’ to the other party (e.g. “thank you for having considered all the points proposed in the agenda”) thus, creating empathy and an environment of collaboration. Often, negotiators acknowledge the need to vocalise recognition and to tune down a high level of emotion to enable a full understanding of the other party’s perspective.

1.2. Gaining power and legitimacy

Even in highly collaborative negotiations, your ability to increase and project power will determine the degree to which you achieve a satisfactory negotiation outcome.

In the first stages of a negotiation process, particularly when introducing oneself, we recommend stating your credentials and track record. As a novice negotiator even more so, you need to articulate why you have the right to sit at the negotiation table. Think about sources of power such as legitimacy in the form of experience, knowledge, connections, etc. When the negotiation teams are being introduced, do not miss the opportunity to create kudos, and credibility by presenting your credentials (avoid saying things like “I spent a short time in the business department”)

Being humble, ensure that you project professionalism and legitimacy. In today’s context, professional social media such as LinkedIn can be a powerful ally for you as a negotiator. Without overclaiming, be sure you have an up-to-date, compelling profile. The other party will certainly check it out before the first negotiation round.

At the negotiation table, or even more, if you are negotiating virtually, consider the ‘online etiquette’. Not just your attire but also your screen background is important. Use and agree upon a virtual background for your negotiation team. Choose one that is professional and as neutral as possible. I’m sure you don’t want your negotiation

counterparts to speculate about your dining habits by looking over your shoulder into your kitchen... Legitimacy also comes from your ability to create a coalition. The starting point will always be your team, but also look out for possible allies in the other party.

To gain power, it is a risky strategy mentioning “nothing is agreed until everything is agreed”. Consider using that approach and making that statement only when you have a very strong best alternative to a negotiated agreement (BATNA) ^{[2][3]}. This statement can easily backfire, and very rarely sets a collaborative and engaging tone to address complex multifaceted deals.

1.3. Building common ground

The best negotiators are much more likely to focus on areas of agreement than the opposite ^[4]. Thus, bring to the table the variables or dimensions that are most agreeable, and leave for later the thorniest issues where the parties significantly diverge in their initial positions.

Pursuing the identification of areas of agreement much more than areas of disagreement strengthens your negotiation stance, therefore enabling you to deal with disputes in a better way.

In any negotiation, there will always be areas of mutual interest that should form part of the initial agenda, regardless of the relative size or power of each party.

When the other party makes a statement or proposal that has the potential to align interests, make that explicit: **“In principle, it seems like a very interesting idea, we would just need to discuss with the DfE”**.

Use inclusive language, for instance, instead of saying “I am happy to move to the wider issues of ...” which might sound too self-centric, make an inclusive proposal that invites everyone in, like **“I suggest we move forward to discuss...”**

The negotiation literature is clear in the crucial role of interests in negotiating ^[2]. Always conduct an ‘interests audit’ ^[1]— a description of the things that you are interested in, the things that the other party is interested in, with an indication of where there is convergence and where there is a divergence of interests. Invite the party to express their interests by saying, **“we would like to hear about your priorities and imperatives up front”**.

However, we are mindful that not all of the parties will feel an incentive to reveal their genuine interests. In these situations, consider the strategy of proposing Multiple Equivalent Simultaneous Offerings (MESOs)^[5]. These simply consist of creating bundles or packages with different items whose total value is similar and highly compatible. For instance, in international trade, in addition to considering the elimination of tariffs on certain product categories, you can also include cooperation in defence matters and knowledge transfer policies. When you put forward MESOs, the other party will feel compelled to respond. Precisely, the way they evaluate each offer on each component will likely reveal their true interests.

1.4. Offering ‘calculated’ concessions

No negotiation will ever be perceived as successful if there is no movement from the initial positions. Accept the fact that you need to concede and flex your position regarding your best-case outcome.

You will find it helpful before the negotiation, to identify areas that are a low priority for you, or that have a low intrinsic cost. Out of those, select the ones that will be most attractive to the party, and consider offering those concessions for something in return.

Your reciprocal demands or request for concessions should start from those that are low-cost to the other party, but of high value to you.

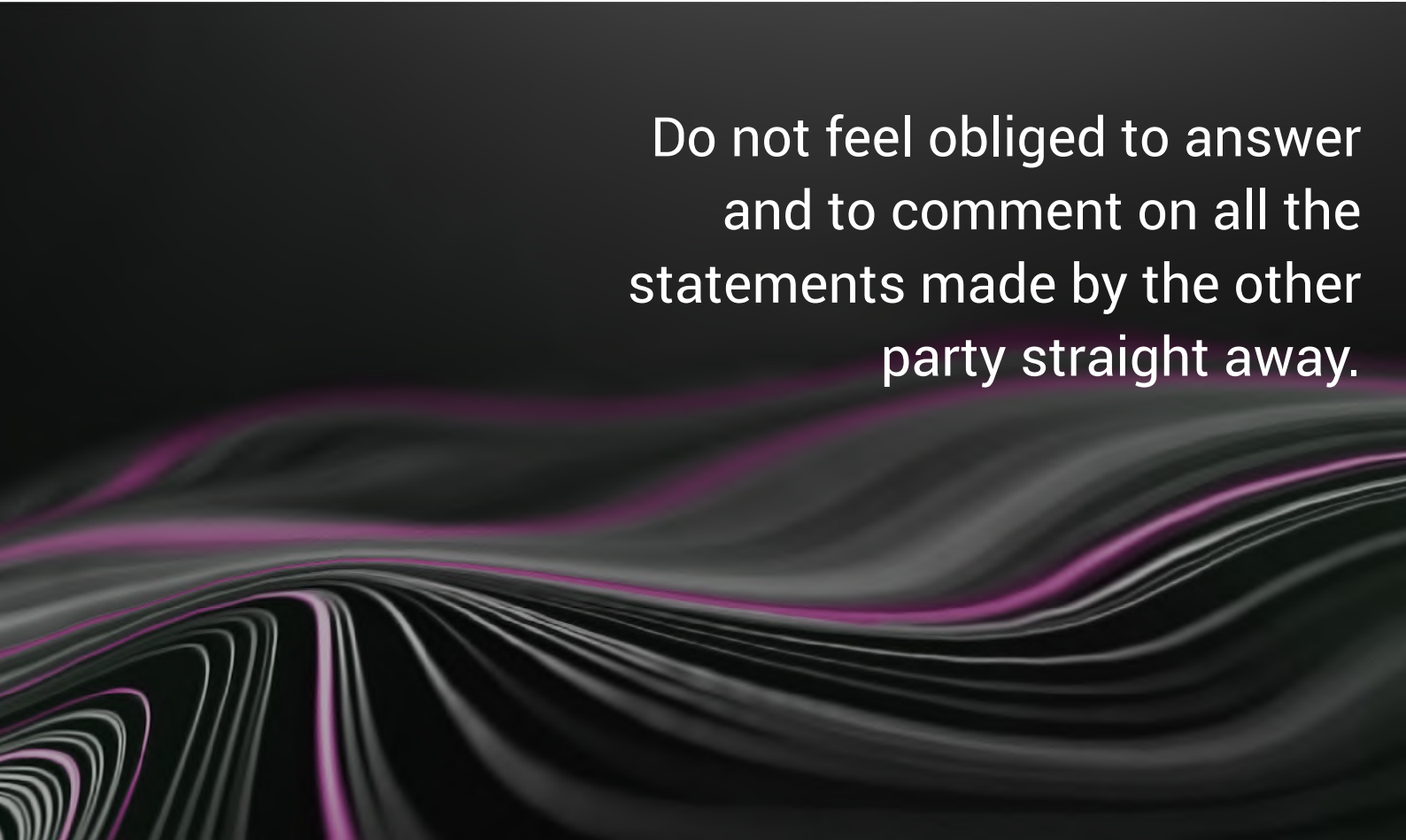
Your concession strategy, as we alluded to before, should be informed by the strength of your BATNA. Always think about the question, if we did not close a deal, what would we be left with? What will a 'no deal' do for you? Would that be a more desirable outcome than an agreement, despite it not meeting all your interests?

In a negotiation, you need to be prepared to compromise and to formulate requests for a reciprocal concession from the other party. In other words, you need to use a formula such as, **"We would be prepared to offer you X if you were prepared to give us Y"**. Conditional acceptance is a well-established tactic in negotiation and you should always be prepared to use it. The use of "if ... then" is part of every negotiator's vocabulary.

Be aware of how important silence is right after proposing. Leave some time before responding. Allow silence to do the heavy lifting. This will send a powerful message to the other party: you are engaged and carefully considering the different elements of the discussion. You are centred and understanding of the negotiation from both perspectives - yours and theirs. My experience tells me that when you pause to reflect and to consider the proposals made, particularly after a few seconds of silence, the other party often continues to talk, either offering more concessions or revealing valuable information. Do not feel obliged to answer and to comment on all the statements made by the other party straight away.

The process of evaluating and exchanging concessions can become very technical and difficult to grasp. Make sure the packages you offer (i.e. the bundles of concessions) are clear. In virtual negotiations, it may be helpful to capture the scope and details of the concessions being considered in a document and to use the share screen functionality of your platform (Zoom, MS Teams etc.) to ensure everybody is on the same page.

Some negotiators adopt an excessively assertive (or inflexible) position. They refrain from conceding or insist on agreeing on certain variables contingent upon settlement on others. Whilst this strategy can enable you to claim more value for your party, it can easily lead to an impasse. Be prepared to agree, to formulate concessions. Some negotiators appear to allow themselves to be too rigid. As a colleague of ours mentioned in a program "at some point you are going to have to agree to something" and "we are here to close issues".



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2. Taking and staying in control

In our negotiation programs, delegates often asked the question, how do I gain control? particularly when arguments and counterarguments are being put on the table, time is short, and emotions are high.

Typically, in negotiation, all parties will feel the need to be in control. It is often a subtle and subjective perception, but an important one to be able to move the negotiation conversation forward.

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When one party is allowed to say 'no', the feeling of being in control is enhanced. Although it may sound counter-intuitive, consider triggering "No" first ^[6]. Give the other party the chance to say 'No' to one of your proposals. Allow them to reject your arguments. Activate the resource of refusing and negating before you move to 'Yes'. Saying 'No' provides a sense of control ^[1]. Ask for instance, "is it impossible to reach a deal in the remaining time?" or "would a no-deal be a desirable outcome for you?"

You can also gain control in a very subtle way when you force the other party to work creatively in proposing ideas to move forward. Consider using 'constructive ambiguity' ^[7], in other words, not to express your position, to gain centre stage. However, be aware of overusing this technique. A deal needs to be built on some initial areas of convergence and agreement. Maintaining an ambiguous position for too long may limit your ability to achieve a satisfactory outcome.


Another technique that can be effective in enabling you to gain a higher level of control is to ask questions that might divide the other party or create differences of opinions. For instance, if you feel that little progress is being made, you can ask "Do all of the members of your delegation want to continue discussing the issue of X or would anyone in your team like to talk about Y?"

2.1. Assigning clear negotiation roles and tasks

Team-based negotiations, by definition, require assigning different roles and duties ^[8]. Often, these are allocated based on position and experience or the formal role someone has in an organisation. For instance, it is common that the role of chief negotiator is adopted by the most senior representative of a negotiation delegation.

Consider amongst others, the roles of orchestrator, spokesperson, analyst, observer and note-takers in your negotiation team. Typically, an analyst will need to calculate the value/cost of concessions. An observer will notice specific social dynamics that can be very useful to derive insights about the other party's position beyond what is being said. A coordinator or orchestrator (typically the chief negotiator) will ensure the agenda and the progress of the negotiation is being observed. This role may or may not coincide with one of the spokespeople.

Preparing for a negotiation is like engaging in a music band rehearsal. A setlist is agreed (i.e. the negotiation agenda), the order of the songs is selected in a way that creates flow (e.g. moving from exploration of interests to proposals, to exchanges, to agreement). Each musician has a particular instrument to play (i.e. negotiation roles).



Preparing for a negotiation is like engaging in a music band rehearsal. A setlist is agreed upon, the order of the songs is selected in a way that creates flow, each musician has a particular instrument to play, and you need to align both the melody (content) and rhythm (process).

Like music with rhythm melody and lyrics, negotiation processes have pace, attitudes and content. The way these are interwoven enable the emergence of constructive agreement or obstructive dissent.

Conduct a process review at the planning and preparation phase of your negotiation addressing questions such as “What are our interests in the upcoming negotiation? How do they rank in importance?” “What are the other side’s interests? How important might each issue be to them?”

In your team and through an iterative process ask yourself the question “How can I create value by trading on different resources, preferences, risk tolerances, and deadlines”?

These rehearsals will strengthen the cognitive, behavioural and emotional aspects of the negotiation, ensuring that your power and legitimacy as a negotiation team is greater than the sum of the parts. Effective negotiators conduct a balanced orchestration of contributions from different members of the team.

Taking and sustaining control in negotiation also requires clarity of mandate given to you as a negotiator. This has two implications; firstly, you will often need to negotiate internally your remit and mandate. Secondly, that mandate will need to be clear and unequivocal. Avoid engaging in a negotiation when your degree of authorisation is unclear. You may find yourself pushed to agree on dimensions you cannot fulfil. When in doubt of your mandate at the negotiation table, emphasise discussing the areas where there is clarity and thus, where you can implement the deal agreed upon.

2.2. Summarising progress

Another helpful behaviour to enhance your ability to take and to stay in control is to regularly summarise and clarify what has been discussed at the relevant point in the negotiation. Often, many topics and variables are discussed concurrently, potentially losing insight as to what is crucial and what not. “Let me summarise what I have heard so far”

Effective negotiators paraphrase and summarise much more regularly than average negotiators^[4]. Effective summaries create convergence and alignment. They help create a shared understanding of the areas of potential agreement and those of stark disagreement.

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Summarise the other parties' interests and make explicit connections to those items "we have discussed the areas of technology transfer and defence cooperation; is it worth continuing a discussion about the sovereignty of X given it is an issue out of our control now?"

If you are reading this report, the negotiations you are likely to be involved in will be multifaceted and complex. Such type of negotiations are international trade deals. In our experience in this context, we realised that regularly referring to 'galvanising themes' or 'key concepts' such as reciprocal market access, mutual tariff liberalisation, equivalents framework, etc. help ensure the negotiation talks are guided and driven towards the sought-after outcomes.

2.3. Agreeing to agree (process)

In negotiation, always agree on the way you will negotiate before you sit around the table or connect with the other party through the virtual platform. We have mentioned the importance of ensuring you know your scope and mandate. It is also crucial to negotiate how to negotiate, in other words, to clarify the process for the negotiation to ensure a robust framework is in place to enable progress particularly in the event of marked discrepancies.

Some helpful tactics that you are already aware of include:

- Don't over-promise or raise unrealistic expectations,
- Keep what is out of scope, out of the conversation,
- Stick to the agenda – but be flexible to deal with the matters in no particular order.

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2.4. Crafting questions to seek understanding

One of the tenets of negotiation is that understanding and agreeing are two very different dimensions. In complex negotiations, I would argue that a significant amount of time and effort should be spent in gaining a deep understanding of the other party's interests, beyond what is being expressed.

Negotiators ask questions for different purposes depending on the nature of the negotiation^[9]. From understanding interests and priorities to challenging the counterpart's arguments. Negotiators will often ask a variety of questions including but not limited to:

- **Leading:** to obtain a response from the other party that commits them to something you want
"Don't you think this proposal meets one of your goals?"
- **Clarifying:** to test whether an option is available under the possibilities of a particular proposal
"Can you postpone collecting that fee until next year?"
- **Gauging:** looking to understand how an item is seen by the other party
"How important to you is the 24-hour service guarantee?"
- **Seeking agreement:** to trigger a concession or to move the process forward
"If we agree to your delivery terms do we have a deal?"

Defining and preparing calibrated questions^[1] (e.g. **how would delaying the agreement help your government's interests?**) can create momentum and alignment and become instrumental in progressing negotiations to the next stage.

Endeavour to ask more (open) questions e.g. **what would it take for you to ...? What could we do to...? What are we trying to jointly accomplish here in terms of? What else is important for you?**

Skilled negotiators ask significantly more questions during negotiation than do average negotiators, amongst others^[4]:

- To provide data about the other party's thinking and position.
- To give control over the discussion.
- Are more effective when expressing direct disagreement.
- Keep the other party active and reduce their thinking time.
- Give negotiators a breathing space.

2.5. Manage time strategically

In my experience, time in negotiation is a highly subjective topic that sometimes facilitates and enables agreements and sometimes gets in the way of striking a deal. Time allows negotiations to move across four sequences: relational positioning, identifying the problem, generating solutions, and reaching an agreement. The particular sequence and timing tend to vary across cultures^[10].

More often than not, complex negotiations suffer from a lack of time and the parties find themselves having to rush discussions to meet necessary deadlines.

So when negotiating, frame meeting the established deadline as a benefit to the other party. Identify and make explicit how achieving progress is in the other party's interest.

When negotiating, use time outs and breaktimes strategically propose a recess to re-energise and when you need to convene and agree on your next steps.

Time allows negotiations to move across four sequences: relational positioning, identifying the problem, generating solutions, and reaching an agreement. This sequence may vary from culture to culture.

If you are in a negotiation and you find that a party agrees too soon to some proposals, beware of that 'yes'. Sometimes the party can express a counterfeit 'yes' as a way out of saying no. In a negotiation, you can find yourself facing an affirmation with no promise of action or commitment on behalf of the other party. When negotiating virtually, you may find it useful to outline the process and timings and to use a graphic representation of the timeline on a slide or a visual and share it on your screen with the other party.

3. Responding to challenging proposals

3.1 Encouraging positive reciprocity

Negotiations are meant to be challenging; when the stakes are high and the parties are engaged in defensive positions, reaching an agreement is difficult. The key is to ensure that regardless of how irreconcilable the positions may seem, parties adhere to reasonable standards and tactics.

Adopting a collaborative approach and positive language in the initial stages of the negotiation will facilitate discussions when the thorniest issues emerge. A powerful way of influencing others is to use the principle of reciprocity^[11]. Try to display the behaviours and conduct that you would like the other party to adopt.

Consider connecting to the other party by saying something positive about them, personally. If it feels appropriate, offer a genuine compliment. This will never reduce your power and can create enabling conditions for the upcoming negotiation rounds.

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Be strategic about making linkages between themes and topics when both parties appear to agree or to share a common stance on those issues.

It may be helpful in the initial stages of a negotiation to specify how you propose to resolve issues. In the programs we have delivered, delegates often advocate for dealing with discrepancy objectively, transparently, fairly, openly, and providing evidence-based arguments. Of course, you may not always encounter the other party being willing to follow these principles!

3.2 Communicate in real-time through an alternative channel (virtual negotiations)

One of the consequences of the COVID-19 pandemic is that negotiation processes in public or private contexts are now conducted virtually. This can be seen as a double-edged sword. On one hand, you can lose insight into the other parties' reactions and have fewer behavioural clues.

Only the other hand, negotiating remotely in front of a computer allows you to establish a confidential, alternative real-time communication channel amongst the members of the negotiation team. There's nothing to prevent these or any reason to believe that this could be found unprincipled.

We advise negotiation teams to create a separate way of communicating, via a messaging app. This allows you to send quick texts providing support, recommendations and essentially, giving each other tips. When engaged in a negotiation conversation, one can always benefit from colleagues' assistance.

This is particularly relevant when the other party has taken an extreme position, displayed very challenging behaviour, or asked a very incisive question for which finding an appropriate answer on the spot may be difficult. In virtual negotiations, it becomes easier to call a timeout to give negotiation teams time and space to convene and reflect on the progress achieved so far. Creating a separate channel allows to organise quick debriefs, and then readdress the negotiation conversation. If you do so, please remember to mute your computer microphone and camera. It would not be the first time that a negotiator forgot to do so with disastrous consequences!

3.3 Label the other party's behaviour

When emotions raise and tension escalates you need to find a way to bring the conversation back on track. Whether used as a tactic or because they genuinely feel emotional about a topic, try to label [1] the other party's behaviour with an expression such as "Jane, it appears that you are deeply concerned with the future sovereignty of the Estate."

This labelling will enable the other party to express themselves, which can reveal genuine interests or concerns. When you label the other party's behaviour, you are not criticizing or judging that behaviour. You are fundamentally verbalising what you have noticed. Asking a question or stating "It seems like this issue is very important for you..." often has a soothing effect on the other party particularly in moments of pressure. Susan Scott quotes in her book ^[12] a sage observation by author Edwin Friedman that "in any situation, the person who can most accurately describe reality without laying blame will emerge as the leader, whether designated or not".

In some of the negotiations I have observed, we found that allocating behavioural roles such as the "bad/good cop" can be a useful strategy. One member of the negotiation team, the one who takes the hardest approach and confronts challenging behaviour, will probably suffer some relationship erosion. However, other members, those in the role of the "good cop" can continue building bridges with the other party and stimulating less confrontational attitudes. Ensure though, that the person adopting a behavioural role is comfortable with such assignment.

4 Managing oneself

So far, this report has fundamentally focused on the negotiation team. The assumption is that different contributions from members are needed to plan and to conduct complex negotiations. In this last section, we also want to offer you some insights from our observations to help you become a more effective negotiator.

4.1 Regulate your emotions

A lot has been written about the role of emotions in negotiation. Some would argue that in a negotiation you are better off restricting your emotions. However, that's difficult to achieve and very often you can't get detached from the way you feel. Emotions play a role in the development of relationships amongst negotiators and will often enable or hinder the coordination of strategic exchanges ^[13].

Strong emotions in complex negotiations will happen, so be ready for them. Have a plan to “cool down your emotional temperature” ^[14], and consider:

- Deepening your breathing,
- slowing down or even pausing the conversation,
- taking a break, and using that time to reflect and recompose yourself,
- engaging in a visualization exercise, where you bring to your mind a relaxing and comforting picture,
- being aware of your tone of voice, bringing it one octave down, and using a softer, warmer and calmer voice.

Always remind yourself of the real nature of the conversation you are involved in. It is not about you as an individual or even as a professional, but about the issues being negotiated.

When heated arguments emerge, ensure you negotiate the ‘right’ thing not being ‘right’.

At a higher level, i.e. beyond the subjects being discussed, consider that people will have a different stance with regards to the economic and the emotional value of concessions. When heated arguments emerge, ensure you negotiate the ‘right’ thing not being ‘right’.

If you have been the one displaying excessive emotions or unreasonable behaviour, be prepared to say sorry. When it is done genuinely, it can help progress negotiations further.

Be mindful that after lengthy negotiations, when you are tired, your ‘default behaviour’ can take centre stage. Use the help of your colleagues in your negotiation team to help you become aware.

In difficult moments, refrain from framing a statement in a way that could be interpreted as a threat, to avoid the escalation of the conflict.

Be more straightforward /assertive when making statements to move forward if you feel too much vagueness has characterised the discussions, and nothing concrete and tangible has been agreed upon.

4.2. Pace yourself

In moments of tension or when the conversation is heated, try not to interrupt, and do not react with immediate counter-arguments. Especially in highly charged situations, people's ability to listen is compromised. Therefore it is less likely your claims and reasoning will be taken into consideration.

Abandon as much as possible the internal narrative that emphasises pride. This can be projected onto the other party creating anxiety and polarisation.

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4.3. Double-check meaning

In negotiation, sometimes parties make statements that do not reflect their intentions or are interpreted in a way different from the intended meaning.

Remain mindful that intentions do not always align with impact. Ask yourself, "what might be the positive intent that sits behind this unhelpful behaviour or stance"?

Consider asking questions to clarify what has been said. "What does flexibility mean? In which specific ways will you support our proposal?"

Also, be prepared to describe your positive intent, "I ask this because I think I'm hearing some difference of perspective emerging here, and it might be worth us acknowledging this so that we can find a way forward..."

In the face of disagreement, bring to the discussion a potential third-party, a neutral standard, or criteria that will help make progress. For instance "let's refer to WTO guidelines with regards to chlorinated chicken".

Keep your assumptions in check. Earlier we advised to label behaviours in a way that allows the other party to express what they feel. In a negotiation exercise, we noticed one party saying, "We accept your disappointment" when the other party had not made such a comment. If the other party has not expressed disappointment, avoid saying that, as it could sound patronising, or they could say, "don't put words in my mouth I haven't said".

4.4 Use fewer, more powerful arguments

When negotiating you will often have to explain why your claims are reasonable and fair. Consider using fewer and stronger arguments to avoid the 'argument dilution' ^[4]. In other words, the situation where your counterpart attacks the weakest of all the arguments you put forward.

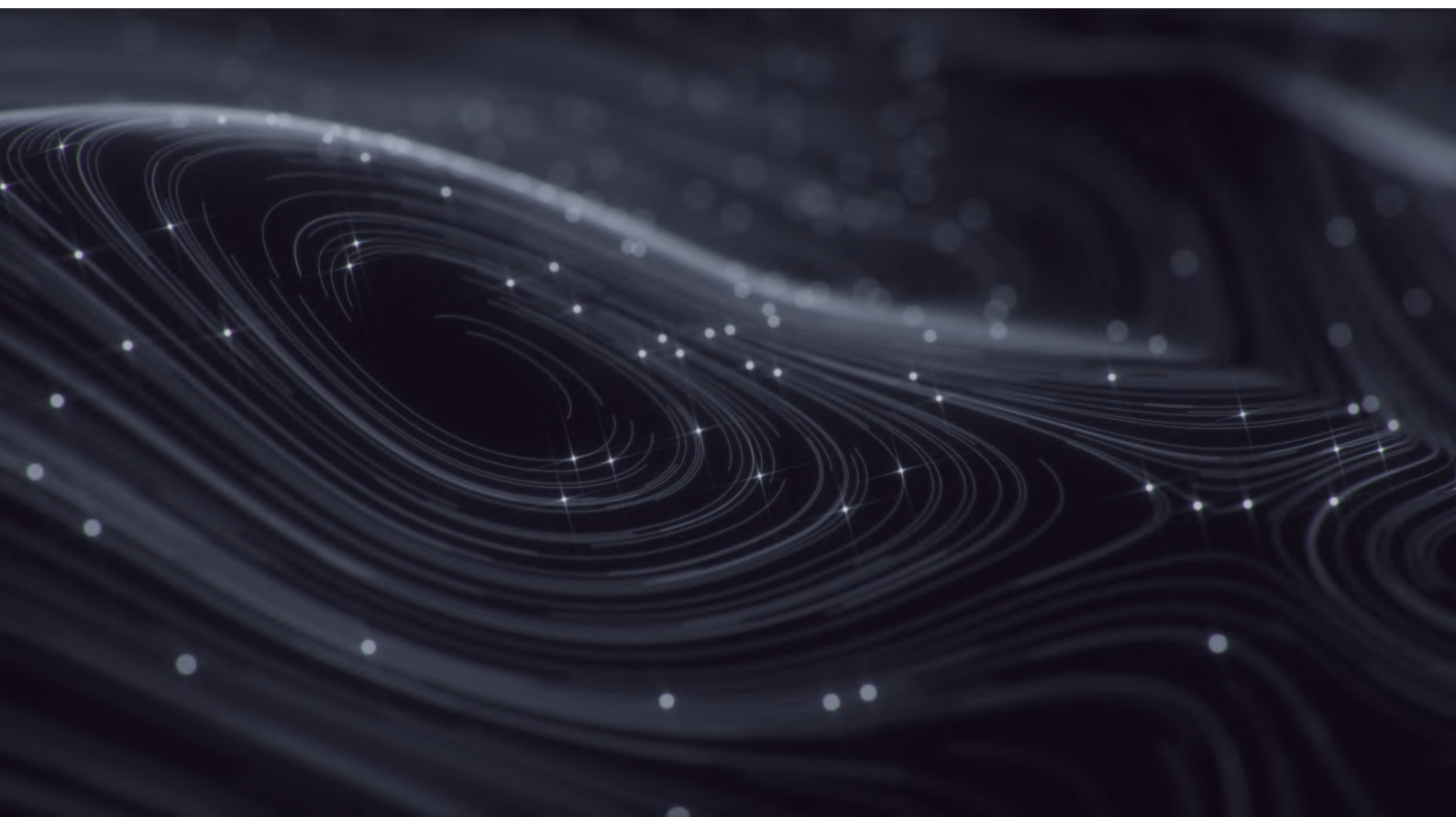
Do not feel the need to over-justify a position. In one of the simulated negotiations, we observed a bitter argument emerge when one party requested an explanation as to why (or why not) the Secretary of State would visit their country.

When listening to the arguments of the other party, particularly when you are not in agreement, instead of saying "I disagree because the quotas offered are insufficient", turn the sentence around. The very moment the other party hears 'I disagree' they will start thinking about a counter-argument. Try, "it sounds like we're seeing the issue of quotas quite differently..."

4.5 Avoid unhelpful comments and turn of phrases

Negotiation talks within and across government entities often contain a large number of items and issues that need to be discussed. Sometimes the amount of information being discussed, and the need to focus on what is discussed comes in the way of being aware of how it is discussed.

During negotiation development programmes, I have observed comments that were deemed unhelpful or ineffective. It is not feasible to provide the full context of the comments and the negotiations, but hereby there is a summary of those comments: (see overleaf)



Comment	Observation
"I think"	When used repeatedly, it has the possibility of reducing power and eroding your authority.
"I wonder whether"	Can communicate insecurity. Use instead "I would like to propose"
"I am not sure that I can do it"	It can show hesitation or unwillingness. If this statement is made in response to a demand that you cannot fulfil, change the expression to something like, "How would you like me to do that?" or "How am I supposed to do it"?
"Kind of", "perhaps", "sort of"	Reduce diluting language. Often rather than humility, they project self-doubt.
"Thank you"	Ensure you thank the other party for things they do that deserve gratitude. Sometimes we say "thank you" too often and can appear disingenuous.
"I'm going to cut to the chase"	Rephrase more positively by saying, "in the interest of time, I suggest addressing this issue directly"?
"We are not desperate"	Saying the words you don't want to emphasise can have a contrary effect. In this example, the other party may think that you are desperate or under pressure.
"I"	Use "we" instead of "I". When you are in a team-based negotiation it is a good idea to use the plural to project collegiality and alignment.
"Obviously", "always", "never" "no we can't"	These sound like absolute statements. Avoid them as you may regret them at a later stage.
"We have high food standards"	Saying positive things about yourself may imply that the other party hasn't. Beware of second interpretations.
"You guys"	Avoid an overly informal tone unless trust has been built and the other party is comfortable with that casual style.
"I am an expert in disputes and conflict resolutions"	Beware of mentioning things like this. It can trigger the expectation that you will drive a hard bargain, and so, an expert litigator will be needed.
"We have had difficult conversations"	Change the expression to something like "we have had some constructive challenges".
"I would like to interject"	Do not interject if you don't want to be interrupted later.
"We fail even before we have started."	This message is discouraging, and even though it may not be intended, it can be easily misunderstood.

Conclusion

When you reflect on an upcoming negotiation, think about what's the analogy you use to picture that negotiation in your head?

Each negotiation is unique and the combination of the specific context, the concrete content and the uniqueness of the individuals involved make it difficult to provide a set of definitive guidelines.

Having said that, I would like to offer key insights based on the observation of negotiation skills development programmes in international trade and other government negotiations.

Flexibility. No negotiation ever ends with an agreement that coincides with initially expected outcomes. Flexibility is one of those features that is required across the spectrum from highly distributive to truly integrative negotiations if mutually satisfactory agreements are to be achieved.

Compromising should never be seen as an ineffective negotiation skill. Quite the contrary, when the relationship is important and the substantive issue is not significant, conceding maybe a wise negotiation strategy. Try to offer the other party a concession that has high value (whether economic, social or emotional) to the other party, and low cost to you.

Team alignment. If you work with others in preparing and conducting negotiations, then, the team becomes the focal point of your efforts, not the individuals. That doesn't mean that you should not agree to clear roles and responsibilities. It means that, regardless of your seniority, your role in the negotiation, your fundamental endeavour, becomes to support (and challenge) each other constructively and creatively.

Negotiation internally. Effective negotiators are characterised by their ability to implement the deals that they agree on. Seek to clarify and to secure the level of authorization you need to see through to execution the negotiation outcomes you agreed to. Being mindful that this may not always be possible, negotiate internally before engaging with an external party the scope of your mandate.

Understanding without agreeing. Effective negotiators spend a significant proportion of the time engaged with the other party(ies) comprehending their underlying interests, constraints, the implications of the nature of the agreements made, etc. Understanding is never a synonym to agreeing. You never give away power by working hard to understand the priorities and belief system of the other party. If you aspire to be understood, it is a good idea to seek to understand the other.

Choose your analogy for negotiation. You often hear that negotiation is an art and a science. It is both. Some evidence contained in this report provides solid 'scientific' guidance for effective negotiation. The 'art' part is always defined by the negotiator. When you reflect on an upcoming negotiation, think about the analogy you use to picture that negotiation in your head is. Is it a dance where you have to move away from initial positions? Is it a trip where the journey is as important as the destination? Is it a fight where you will have to defend your valued resources against an unwilling enemy? Is negotiation like a construction project where solid foundations need to be built before the spaces are laid out and the deco is set up? The analogy you choose will inform your narrative, which in turn will influence your behaviour, and ultimately the behaviours of those you negotiate with.

About the author

Dr Javier Marcos is an Associate Professor of Strategic Sales and Negotiation at Cranfield School of Management. He is an inspiring management educator, researcher and consultant with more than 20 years of experience working in academia, consultancy and in multinational corporations.

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