Techniques for moving positions – the setback management in negotiation

Support material for experiencing the social dialogue negotiation process

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A difficult negotiation, a negotiation that does not seem to bring a good solution, a negotiation where the parties have reached an impasse or are spinning in a vicious circle, can be put back on track with the right technique so that a big step is taken towards a solution.

The most difficult negotiating situations are those where things do not seem to be moving forward; situations where there is a major setback and you do not know what to do or whether to continue at all. At such moments, any of the following three clearly explained techniques can be crucial.

A very useful breakthrough technique is the **transition from positions to interests**. Very often this moves the negotiation forward as the parties move from their established positions to a higher level, into the realm of values and needs.

The **Dilts pyramid technique** enables negotiating parties to reach a higher level of insight. It helps them to find out at which level each party perceives the problem and therefore tries to solve it. If you solve the problem at the same level of the pyramid, it is easier for the parties to find a more efficient and lasting solution.

The **focusing on the future technique** described at the beginning is simple, but is very often used with great and quick results.

1. Technique N1: Focusing on the future

Parties often return again and again to events that they have not been able to resolve or that have left strong feelings in them. Usually these feelings are negative. Parties feel the need to bring them back to the table to say what they may not have been able to say at the time or what they feel has not been heard before.

In most cases, at least at the beginning of negotiations, the parties return to the past. They cannot just start trying to reach an agreement without telling each other how it was, how they see the matter or how they feel about it. They need to evaluate their actions and words so that they feel that the other person has heard at least a little, understood at least a little, felt at least a little… Do not deny them this if you see that they need it. Give them time for this cathartic experience.

It often happens that parties get stuck in the past. And why? Because so many things that have not yet been said are now being heard or understood. And because, despite the pain it can cause, it is cathartic. Sometimes, at some point, parties feel that enough is enough and that it is time to move on. But often they do not. In such a case, it is the mediator's job to do so.

Nothing seems to illustrate this better than this aphorism: **NEGOTIATION IS NOT ARCHAEOLOGY, NEGOTIATION IS ARCHITECTURE**. The archaeological part is created spontaneously by the parties. They know how to use hoes and shovels, as well as state-of-the-art excavators and backhoe loaders. The architectural part, however, is more difficult. It is difficult to rebuild a relationship when it has been damaged, ruined or rejected so many times. It is difficult to regain trust when it has been lost through so many events in the past. It is difficult to commit, to make a promise when history confirms that most promises have only been kept by one of the people involved. Without the guidance, help and support of the mediator, the parties will not manage to overcome this.

IMPLEMENTATION – THE PROCESS

The parties can be guided at different levels:
- **The relationship** they want to have in the future
- **The goal** they want to achieve in the future
- **The values** – what is really important for the other party/both parties
- **The needs** – what they really need
- **The behavior and actions** related to something in the future
- **The framework** – the rules to be applied in the future
- Other aspects

FOCUSING on:					
THE RELATIONSHIP	**THE GOAL**	**THE VALUES**	**THE NEEDS**	**THE ACTIONS**	**THE RULES**
"What kind of a relationship do you want to have in the future?" "What needs to be done by both of you now to have the relationship you want?"	"What do you wish to achieve?"	"What really matters to you both?"	"What do you need most?" "What are you willing to offer to the other party if they agree to meet you halfway?"	"What would you like the other person to do so you could meet halfway?" "What are you willing to do for the other party to reach a compromise?"	"What rules should be agreed upon so that you can cooperate more effectively within the company in the future?"
"What was your relationship like before the conflict?" "What are you willing to do to make the relationship the way it was before?"	"What is your goal?" (one party) "And what is your goal?" (the other party)	"Which value would you highlight as the most important?"	"What do you really need most?"	"What should be done to resolve this conflict?	"You mentioned earlier that this conflict also arose because there were no clear rules. Would you like to agree on some basic rules?"

2. Technique N2: Transition from positions to interests

The very important question is how firm is our position. And the correct answer to that is: Veeeery!

The word itself tells us that a position is something on which we stand. We stand on it with our whole being, with all that we are. We have formed it based on our experiences, our knowledge, our values, our needs, the opinions of the people we care about, the statistics and all the books and articles that support our basic position. We express our positions with words like: "We should", "It is necessary", "We must urgently", "We must change immediately", "They will have to understand", or even stronger positions like "Every reasonable person will agree that…", "Everybody knows that…", "There is nobody who does not…".

How can the parties be led to a common solution if each of them insists on its position? We have to lead the parties away from their positions. In this way, everyone can maintain their position when their position is important to them and they are not willing to give it up. Where are the parties being led? Into the field of **needs and values**. These two fields are more than just a position.

IMPLEMENTATION – THE PROCESS

Focus on what the parties really need most (**needs**) and what is most important to them (**values**). **So they move from positions to interests**.

Let us see where negotiations usually get stuck. Usually, at some point, the participants get stuck in an impasse. This is because they are too busy contradicting each other and holding on to their positions, which do not really convey what they need, but what their beliefs are. An expectation. Perhaps a demand. Each of them has created a list of arguments to support their position. And these arguments never run out. The number of arguments is usually proportional to the time it takes you to list them all. So if they listed five in half an hour, they would probably find four times as many in two hours.

So the question is, what do you do with the number of arguments? You can write them down. You can analyse them. You can look at the pros and cons. You can rank them according to a certain criterion.

If you ask the parties at this stage what solution they propose, each will propose its own position. That is to be expected. Why is that? Because they have not made qualitative progress by putting forward arguments and discussing them. They have not made any progress. To move from positions to a solution requires a quantum leap.

The Transition from positions to interests technique includes these three parts:
position → search for individual's interest → acknowledgement of common interest.

We use three questions:
- What do you (really) need most?
- What is really important to you?
- What is most important to you in the entire matter?

EXAMPLE - THE PROCESS

For a comprehensive understanding see an example of the process described below.

The position – A THE EMPLOYER
Smoking during working hours is prohibited.
Employees are here to make a profit.

The position – B EMPLOYEES
Smoking during working hours should be allowed. It is a need smokers cannot give up.

The individual's interest – A	The individual's interest – B
- Work well done	- Employee satisfaction
- Employee efficiency	- Taking into account the needs of employees
- Employee satisfaction	- Good relations among employees
- Good relations among employees	- Good relations among employees and the management
- Good relations among employees and the management	- Respect for employees demonstrated by the management
- Quality work done	- Good working conditions
- Workplace safety	- Work well done
- Loyalty of employees	

The common interest: Employee satisfaction; Good relations among employees; Good relations among employees and the management; Work well done.

The solution options: Setting a smoking schedule; The opportunity to socialize, also for coffee drinkers; During smoke and coffee breaks, employees review the tasks for that day; Smoking before and after work; Smoking once during working hours for 10 minutes.

The solution: Smoking and coffee are allowed before 8 am and after 4 pm. Whoever would like to smoke or drink coffee can come to work earlier or stay later. It is also possible to smoke and drink coffee during the lunch break. In addition, there is a special time every day for smoking and coffee breaks, from 10.30 am to 10.45 am. During this time, employees are allowed to socialize. Outside these times, smoking and coffee breaks are not permitted.

3. Technique N3: The Dilts Pyramid

Different levels can be far apart.

How useful it is to have a tool that facilitates understanding. If two lines are in their own plane and parallel to each other, the lines will never cross.
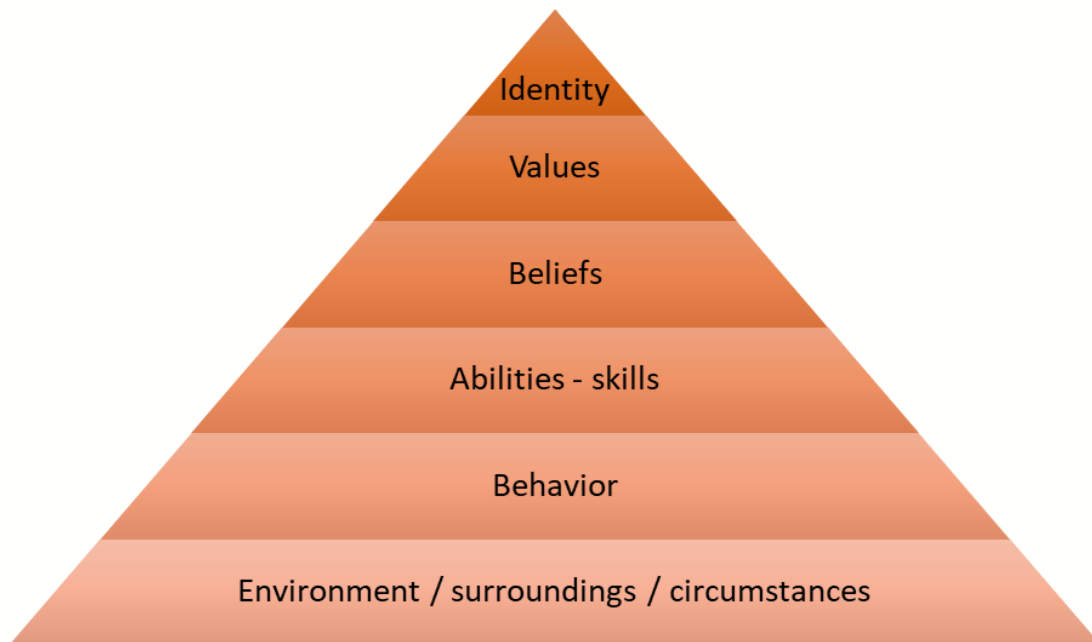
When I discovered the Dilts pyramid, I first used it to develop a vision. Then I used it to set and review goals. However, when I used it in mediation, I experienced a real revelation. Everything became so clear and so easy to resolve.

Have you ever had an argument with someone, actively tried to resolve it, looked for a constructive solution and while the other person did the same, you both got nowhere? You went round in circles like a hamster in a wheel. You tried hard, but you felt you were not getting anywhere. In such situations, you feel like you are speaking different languages, as if one is talking about the frost on the vine and the other about the meaning of life. Or worse, sometimes it feels like a meeting between a human and an alien.

What is really going on in such cases? It's not that you do not find a solution; that only comes at the very end anyway. **The problem gets bigger and bigger because everyone perceives the problem on a different level and therefore solves it differently.** Like two aeroplanes: if one is flying at 7,000 metres and the other at 11,000 metres, they cannot meet if they fly straight ahead and neither ascend nor descend.

In order for us to be heard and understood, we have to reach a common level. Robert Dilts has designed a **pyramid of level problem solving**. According to him, we can identify a problem at one of **six levels**. These can also be called **platforms or areas**. As soon as two people who have a conflict perceive the problem at two different levels, it will be difficult for them to get along and reach an agreement. Not only because they start from their own point of view, but also because this point of view is on a different level.

DILTS PYRAMID – Explanation of Individual Levels

Pyramid levels from top to bottom: Identity, Values, Beliefs, Abilities - skills, Behavior, Environment / surroundings / circumstances

1. Environment – Surroundings – Circumstances (where and when)

The environment is everything we respond to. Tt is our surroundings and the people we meet. We perceive, accept and change the environment.

2. Behaviour (what I do)

These are concrete activities that we carry out regardless of our abilities; they are our reactions triggered by the environmental stimuli.

3. Abilities – skills – knowledge (how it works)

At this level, the skills and strategies that we use to achieve our goals emerge. We use thought processes, such as: How will I achieve this, what skills do I need, what knowledge do I need to succeed, can I do it?

4. Beliefs – attitudes (why do I do it)

These are the guiding principles that we hold to and use as the basis for our actions. Beliefs can be permissions or restrictions (depending on our core behavioural frameworks).

5. Values (what matters to me, what do I want, what do I believe in)

These are the principles that guide our judgement in different situations and express our attitude towards matters that are of greater importance to us, things that have a higher price or value than anything else. That is what is really valuable.

6. Identity (who I am)

It is a fundamental feeling about oneself, one's self-image. We could say that it is a life's mission.

The higher the level at which you have a problem, the more effort it will take to solve it. The lower the problem is, the quicker and easier it is to solve. It is much easier to deal with circumstances or behaviours than with beliefs, values or identity. It is possible, however it is almost impossible to solve a problem if one party tries to solve it at one level and the other at another.

IMPLEMENTATION – THE PROCESS

The technique is implemented in five steps.

1. Ask participant no. 1 where they see the problem of the conflict or what the problem means to them. Summarise. **Identify at which level of the Dilts Pyramid participant no. 1 is detecting the problem.**

2. Ask participant no. 2 where they see the problem of the conflict or what the problem means to them. Summarise. **Identify at which level of the Dilts Pyramid participant no. 2 is detecting the problem.**

3. First, talk about **the aspect of the problem at the higher level.**
Ask the participant who is solving the problem at this level to describe their perspective.
Ask the other participant to explain their aspect of the problem at this level.

4. Then, discuss the **aspect of the problem at the lower level.**
Ask the participant who is solving the problem at this level to describe their perspective.
Ask the other participant to explain their aspect of the problem at this level.

5. If the participants have heard and understood each other, they should be able to come to an agreement at this point.

Agreement is only ever reached at one level of the pyramid: the behavioural level.

If the participants are not ready to agree, return to point 1 and repeat the process.
If there is still no agreement, use one of the other techniques presented here.

EXAMPLE - THE PROCESS

Let us consider a simple example. Imagine you have a son who is in the eighth grade. The teacher has just informed you that he was absent from a maths test and that he was seen with friends behind the school at that time. What is the first thing that comes to the parents' mind? That he skipped school because he did not study goes without saying. Maybe that is the real reason, maybe not. It is certainly not the only possible reason. If I, as a mother, draw conclusions and then take action based on those conclusions, while my son has a different explanation, the problem can become complicated. It will certainly not be solved successfully.

Let's look at the levels at which the problem can occur. You will find that it can occur at every single level. Let us start at the lowest pyramid level and move towards the top:

- **Environment – Surroundings – Circumstances:** Classmates told him maths was cancelled; the whole class agrees to skip maths; he had a gallbladder attack, which made him feel really bad.
- **The behaviour:** He did not study; he did not solve 100 exercises from the collection, which was a prerequisite for the test.
- **Abilities – Skills – Knowledge:** He does not understand the topic being taught; does not know how to calculate using the formulas given.
- **Beliefs:** Everyone has to skip school once, otherwise they are seen as cowards; if you skip school, you are more interesting to girls.
- **Values:** His best friend was dumped by his girlfriend, and he was devastated – the friend was more important to him than maths; last week, three of his friends celebrated their birthday and he had to go to three parties.
- **Identity:** I am not a naturalist; I have not developed logic.

It is important to realise that the other side, in this case the son, can experience the problem at any of these levels. Why is it important for us to know at which level? Because we can only deal with the problem effectively at that level.

We have said that the mother perceived the problem at the behaviour level - the son did not study. Let us say there is a problem at the skill and knowledge level - the son does not understand the subject. Is it useful to tell your son that he has to study maths all weekend? No, because he still will not understand it. In this case, it would be useful if a classmate or an uncle who is a civil engineer could explain the subject to him, or if you could hire an instructor.

Suppose the cause has emerged at the level of values - partying with friends. Will the son change his values because of the mother's or father's lecture? He will not. So what would be effective then? Accept that friends are important to him, and so are parties. However, you then need to talk to him about how he will coordinate school and the other important things in his life.

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As an NLP (Neuro-Linguistic Programming) trainer, master coach, mediator and imago partner consultant, she has been working successfully in the three areas of personal and business management for more than 15 years, combining them innovatively and effectively. Her first area of work is communication and the resolution of impasses, conflicts and disputes between companies and within company systems. She is active in several mediation centres and institutions and is on the mediator lists of the courts. Personal and business potential development is her second area of expertise - through personal and business coaching she supports and helps create pathways for changed action that lead to successful and effective strategies for individuals and businesses. Her strength is supporting the development of visions, goals, plans and strategies.

Tanja Pia Metelko teaches and trains people in leadership, negotiation and sales techniques to develop the strategies and personality of a great leader, negotiator and sales professional. She has worked with more than 500 companies and institutions. In all these areas, she conducts trainings, workshops and short and longer training courses to provide participants with specific techniques, skills and competencies. The training courses are held in various European countries. More than 25,000 people have participated in her trainings. She is co-founder and director of the CONCORDIA Mediation Institute and director of Pro CREAThOR. She conducts certified mediation programmes leading to the titles of "Mediator", "Family Mediator", "Mediator in Economic Disputes" and others. She also runs internationally recognised and certified programmes in Neuro-Linguistic Programming, such as the NLP Diploma, NLP Practitioner and NLP Coach. For the past five years she has been teaching as an assistant professor in the field of alternative dispute resolution at private faculties where she teaches various subjects, and she has also been a guest lecturer at the faculties of the University of Ljubljana. Many students work on their bachelor's and master's theses under her supervision.

CONCORDIA MEDIATION INSTITUTE

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