Module 2. Negotiation Skills

Introduction

The purpose of this document is to approach negotiation as a process aimed at resolving conflicts between two or more parties. In sports management, there are frequent situations where the positions and interests of the parties collide: transfers, contract renewals, team building, etc. Therefore, it is essential to have knowledge about the nature of negotiation and to be equipped with tools and behaviors that can help lead these various negotiations to success. The document will be structured into three sections:

- The first section will briefly define the concept of negotiation,
- The second will discuss the main techniques available, and finally,
- The third will address the behaviors and skills that characterize a good negotiator.
  This document is brief and does not aim to delve into the details of a topic that has been extensively studied and developed both professionally and academically. Instead, the goal is to create a document that is accessible and suitable for the course, providing an understanding of the fundamentals of negotiation while encouraging further practice and potential future exploration.

Conflict and Negotiation: What Are We Talking About?
In this first section, we aim to clarify the basic concepts of the module: conflict and negotiation. Both terms have been widely debated and are part of an extensive theoretical literature. However, our goal here is not to dive deeply into theoretical reflections but to provide the essential elements for understanding these concepts, especially within the framework of the knowledge and skills required by sports directors.

Conflict
Conflicts are inherent to both our personal and social lives. We have all experienced conflicts with friends, family, or in our work environments. We are also aware of the environmental, social, or political conflicts that shape our coexistence. In this document, the focus will be on conflicts experienced within an organization, specifically a sports organization (Pastor, 2018).

The term conflict is polysemous, meaning it can be defined and interpreted in multiple ways. However, in essence, we can relate it to situations where interests or viewpoints diverge. These divergences can stem from personal perceptions or opposing goals. Ultimately, conflict is defined by its protagonists when they perceive a situation as problematic. Conflict occurs when the objectives pursued by individuals or groups are (or

are perceived to be) incompatible—either partially or fully—with the objectives of other individuals or groups (Font, 1997).

After this formal definition, an organization should not limit its understanding of conflict as simply a divergence between different actors with opposing interests or perceptions. Instead, it should understand that conflict expresses the context it arises from, can become an opportunity for advancement, and places the organization in a context dominated by complexity. Below, we will briefly address each of these aspects:

- Conflict as a Social Construct: The governance of any institution, including sports organizations, requires an understanding of its environment, including the tensions and conflicts within it. These contexts are marked by conflicts that have a history which explains and conditions them. A football club cannot be managed without acknowledging and understanding the conflicts that shape it—sports-related conflicts, as well as social, economic, or media conflicts.
- Conflict as an Opportunity: It is crucial for any organization to recognize that conflict does not have to be seen as a problem; it can also be an opportunity. Conflicts are not barriers; they are bridges that allow us to move from one side to another. While conflicts can be paralyzing, an institution should embrace them and turn them into a driver for change and transformation.
  For example, a football club may face conflict in the stands due to racist chants or disruptive behavior from certain groups. This conflict could be approached as a punitive problem, paralyzing efforts to identify and penalize the offenders. Alternatively, it could be viewed as an opportunity for a strategic shift, allowing the club to open a conversation with its supporters and become a leader in defending certain values.
- Conflict as an Expression of Complexity: While a specific problem might have a straightforward solution, a conflict always requires dialogue and/or negotiation between the parties. This distinction arises from the fact that a problem is one-dimensional, while conflicts are defined by their multi-dimensional nature. A problem can be resolved from a single point of view, but a conflict always requires an approach that acknowledges its complexity.
  Consider the example of a conflict between a player and a club regarding a contract renewal. While the player might have a simple problem related to weight issues, resolved with the help of a nutritionist, the conflict surrounding a contract renewal is more complex. It involves economic aspects, the club's sports project, the player's family integration into the city, media pressure, and tensions in the locker room. This complexity necessitates an approach that goes beyond technical solutions.

Figure 1. Conflict as the Art of Transformation

Source: Fundación Gizagune, 2016, https://lc.cx/xdOity

Conflicts exist, and in the case of sports management, they are part of everyday life. Conflict should be interpreted as a driving force for transformation, as a factor that drives us to improve our organization. Conflicts are not barriers, but bridges that we must cross.

Negotiation

Conflicts are present in our lives, and of course, in the sports field as well. In response to them, the two most common and well-known options are laws (authority) and competition (the market). On one hand, for example, when a coach has behaved improperly in a press conference, there is a sanctioning regulation. The law resolves the conflict. On the other hand, if a player wants to change teams, they must submit to the results of a highly competitive market, where they offer their skills and clubs seek their alternatives. The market resolves the conflict. In neither of these two examples do we establish negotiation as a framework for addressing the conflict.

In the first case, when laws resolve the conflict, we are talking about relationships of dependence, where the subordinate (in this case, a coach) must submit to the authority's mandate (the competition committee of the RFEF). In the second case, the relationships between the player looking for a club and the clubs searching for players are independent, as each one does what they believe is most appropriate. A third option appears when we are dealing with interdependent relationships, where the conflicting parties depend on each other and neither can impose themselves alone.

Interdependent situations are those where the need arises to incorporate a third way to approach conflicts: negotiation. Without submitting the conflict to the resolution of an authority or the results of market competition, negotiation becomes a voluntary strategy for adaptation and balance between the parties. While law and market demand strength and force, negotiation requires skill and flexibility. For example, if the conflict arises from the way a media outlet treats a particular sports management team, there is no law or market that imposes a resolution. Playing tough will probably only aggravate the conflict. These are two interdependent actors (they need each other), but they operate in different

contexts. They are neither independent nor dependent, and therefore, they must sit down and negotiate.

Additionally, it is argued that negotiation is not only a third option but also a more intelligent and less costly way of addressing the conflict. The sports management team that establishes a negotiation with the media is fostering a smarter outcome and saving the costs of confrontation. Talking is cheaper and, moreover, allows more innovative and creative solutions to emerge. Wiser, as the classics knew well: "For us - referring to the rulers of Athens in the 5th century BC - discussion is not a stumbling block on the path to action, but the necessary step toward making a wise decision." (Pericles)

Therefore, negotiation is expected to contribute value, meaning that we trust that through dialogue and collaboration, a superior utility will emerge in resolving conflicts. In reality, we are asserting that collaboration is superior to authority and competition, bringing more value. Economic theories of negotiation often refer to this superiority, comparing zero-sum dynamics, which characterize laws and the market (where one's gain is the other's loss), with positive-sum dynamics (where both can win) facilitated by negotiation.

Table 1. Negotiation and Collective Intelligence

Source: own elaboration

In this sense, negotiation can be interpreted as a strategic behavior that allows us to achieve objectives we would not reach alone. A strategic behavior that, therefore, forces us to take into consideration the positions, incentives, and reactions of others. Negotiation involves interacting with others, and thus it becomes the management of a relationship, not just the maintenance of a position. At the heart of negotiation is not our own competitiveness, but collaboration with others. Returning to our previous example, it is not about challenging the media outlet with which we have a conflict (to see who wins), but about establishing a relationship with it, understanding its interests

and positions, and thus generating a negotiation that adds value (where both sides can win).

However, there is a relationship between this strategic behavior and what has been called the negotiator's dilemma. Focusing on the collaborative dimension of negotiation leads us to a situation where it seems we must give up accumulating all the gains. We can accept the idea of collaboration, but in practice, what we would really like is simply to win. Negotiation often invokes the famous win-win expression, although perhaps we would prefer the one that says, "the winner takes it all." The dilemma between cooperating and competing, between what is gained and what is lost, is therefore very present in any negotiation.

Economics has addressed this topic through game theory, particularly the well-known prisoner's dilemma. This is not the place to delve into the details of game theory, but we can use the pedagogical potential of the prisoner's dilemma to explain the collaborative tension and to justify how it generates value in interdependent contexts.

Here we go. The prisoner's dilemma presents a well-known situation that can be dramatized with two thieves who have been arrested and are being interrogated in separate rooms. Their position is delicate because, although there is no conclusive evidence of the robbery, they are accused of two crimes: illegal possession of firearms and resisting authority. Thus, each thief (A and B) faces a dilemma: cooperate with their partner (which means not betraying them) or not cooperate, that is, betray them and hope that their sentence will be reduced after providing a statement that incriminates their colleague. The following table crosses the options and defines the possible scenarios, with the digits (Y, X) representing the number of years A and B spend in prison in each scenario.

Table 2. The Prisoner's Dilemma

The Prisoner's Dilemma

	Ladrón B	

		No delata	Delata
Ladrón A	No delata	**(2, 2)**	**(10, 0)**
	Delata	**(0, 10)**	**(10, 10)**

Source: own elaboration

As shown in the table, if both thieves cooperate with each other (i.e., they do not betray each other), they end up in the (2,2) box. Since the robbery cannot be proven, they are sentenced to 2 years in prison for illegal possession of firearms and resisting authority. However, the negotiator's dilemma arises, and the thieves are tempted by their better option: betray the other and hope not to be betrayed in return. In this scenario, the winner takes it all, while the loser loses everything. The betrayer sees their charge of illegal possession of firearms and resisting authority forgiven, while the one who is betrayed has the robbery proven against them, and thus, they receive 8 additional years in prison. The scenarios (0, 10) and (10, 0) represent this situation. However, in the absence of cooperation, the actual scenario is one in which neither thief cooperates with their partner, they both betray each other (seeking to maximize their own interest), and in the end, they both reach a much worse outcome (10, 10) than the cooperative scenario (2, 2).

The (10, 10) scenario is the result of maintaining the positions to win it all, while the intelligence and value generated through collaboration place us in the (2,2) quadrant (Habilidades Blandas, s.f.).

In reality, we could define the potential of negotiation as the ability to move from (10, 10) to (2, 2), although this requires understanding the value of collaboration when addressing complex conflicts. This transition, as we will discuss when we talk about techniques and skills, demands cultivating trust and reputation. It might sound odd when applied to the case of thieves, but negotiation requires a collaboration—often even a generosity—that cannot unfold without a minimum of trust that the other party will not betray you. A sports management team must continuously negotiate in very complex environments, so at least as a starting point, they need to present themselves as trustworthy.

Figure 2. Collective Intelligence

Source: Lezcano, 2021, https://lc.cx/ABTSir

Negociating does not mean dividing, but generating. It is not about seeing who wins, but about everyone winning. Negotiation is not a matter of strength, but of creating value. Good negotiation uses collaboration to generate collective intelligence.

Techniques for Managing Conflict

In this second section, we will review the main techniques of the "game" of negotiation. A game that, in principle, should not generate winners and losers. The negotiation game is not defined as a competition, although, as we will see next, it has a competitive side that we cannot overlook. In any case, "we understand negotiation as a process where two or more parties, with a certain degree of power, with common and conflicting interests, meet to propose and discuss explicit proposals with the goal of reaching an agreement" (Mendieta, 2002, p. 9).

Thus, negotiation, as a process, involves strategy and prior planning, just as it requires the parties' interest in reaching an agreement. In this sense, in this section, we will first refer to the starting negotiating position and structure, and then we will address competitive and collaborative negotiation models. We won't go into too many details, but we will offer the foundational elements of the main negotiating approaches found in specialized literature.

As we have already mentioned, strictly speaking, negotiation is not a competition. Therefore, discussing positions (a competitive approach) is, in the words of Fisher and Ury (1991), less intelligent than negotiating from collaboration. We will expand on this idea in the third section of this chapter, where we will explicitly refer to the potential of trust and the reputable Harvard Project. Some of the arguments require less techniques and methodologies, and more behaviors and skills. We will address these aspects in the third section of the document.

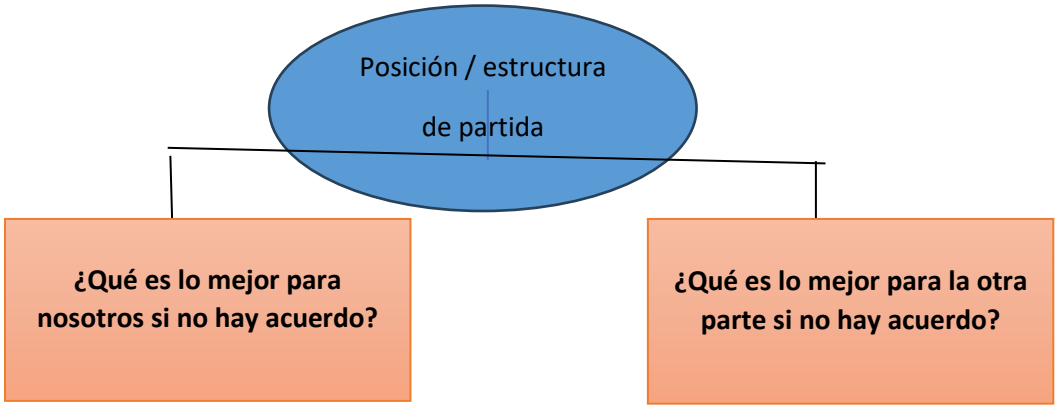
Position and Initial Negotiating Structure

Every negotiation begins with uncertainties and doubts about our ability to achieve the goals, what strategies to follow, how to manage the relationship with the counterpart, or how to identify the limits that we are or are not willing to cross. In some way, we can say that we enter the negotiation process blindly because we do not know exactly what our position is and, therefore, we are unaware of our real negotiating power.

Thus, an initial step in any negotiation is to define what has been called our negotiating structure, that is, the initial framework from which we will start working. From an operational perspective, some authors suggest that this starting structure should be defined by addressing two questions (Font, 1997):

1. **What is the best we could do if we do not reach any agreement?**
2. **What is the best the other party can do on their own if we do not reach an agreement?**

Figure 3. Negotiation Questions



Source: own elaboration con base en Font, 1997

What is the best we could do if we do not reach any agreement?

Negotiation experts use the acronym BATNA (Best Alternative to a Negotiated Agreement) to refer to the situation that identifies the most favorable alternative for us in the case of breaking off the negotiation and not reaching an agreement. This space is assigned a reservation value (RV), which we use to calculate the satisfaction that remaining without an agreement would generate for us. We talk about satisfaction to emphasize that this is not an exclusively monetary value, but it can be perceived from other perspectives.

To illustrate this with an example, let's think about the negotiation we need to conduct to make a star signing in the winter market. To set our starting position, we should first ask

ourselves about our BATNA—what is our best alternative if we cannot finalize the signing? Or, in terms of RV, what value do we assign to the alternative, whether it is a player from our youth academy or another player we know we could sign without much trouble? It is from the answer to these questions that we will understand our starting position and, therefore, our negotiation power.

In reality, this is about assessing and calculating the cost of breaking the negotiation. The lower this cost is (because we have an alternative like a highly valued youth player, for example), the greater our negotiation power. Conversely, if we do not have a strong alternative to the signing we are negotiating, our position is weaker and we must be more careful not to show this weakness.

Figure 3. Negotiation Alternatives

Source: Lavergne, 2021, https://lc.cx/AKDCth

Additionally, when managing the greater or lesser power derived from our BATNA, we should consider some aspects that can help strengthen our starting position:

- Making the First Offer: Taking the initiative allows us to anchor the negotiation, which is important because the end of a negotiation is closely tied to its beginning and the first moves made. It's about framing the negotiation, such as setting the first figures around the eventual signing and showing the margins in which we'll be working.
- Information and Aspirations: Knowing both parties' objectives is crucial to reinforcing the negotiating position. In this sense, if the club knows about other offers, understands the player's salary expectations, or has detailed knowledge of his contractual situation, it will reinforce its negotiating position.
- Time: Our BATNA is also influenced by the urgency with which we approach a negotiation. Time always favors the negotiator who is not in a hurry to reach an agreement. Therefore, it's not only about managing the position but also about

the timing of the negotiation. Planning the renewal or signing schedule is one way to strengthen the negotiating power from the start.

- Communication: Negotiation materializes through communication between the parties, so managing language and silences is a relevant aspect. How we express our positions (clearly but without aggression) and how we set the pace of our responses are part of the cards we must know how to play in the negotiating game.

What is the best the other party can do on their own if we don't reach an agreement?

To further enhance the power of our negotiating position, we should not only know our VR (1) but also the VR (2) of our counterpart. This VR (2) is often difficult to know, and it can become the most important secret of a negotiation. But trying to get closer to it greatly helps us build our negotiating structure.

In reality, the differences between VR (1) and VR (2) are our negotiation space, so if we know both reference points, we will have a clearer understanding of our negotiation zone. In this sense,
From our perspective, it might happen that we overestimate or underestimate VR (2). In either case, our negotiating ability will be distorted—either because we think we must concede more than we really should, or because we assume we are stronger than we actually are. Ultimately, we must approach the VR (2) of our adversary with great caution and never assume we know it for certain.
From the counterpart's perspective, they may also overestimate or underestimate our position (VR 1). In the first case, we shouldn't correct them, as we find ourselves in a strong position: we're convinced we have a good alternative, which strengthens our position. In the second case, if they underestimate our position, we should make them see that they are wrong, perhaps with messages that show more decisiveness in our BATNA**.**

Competitive Negotiation

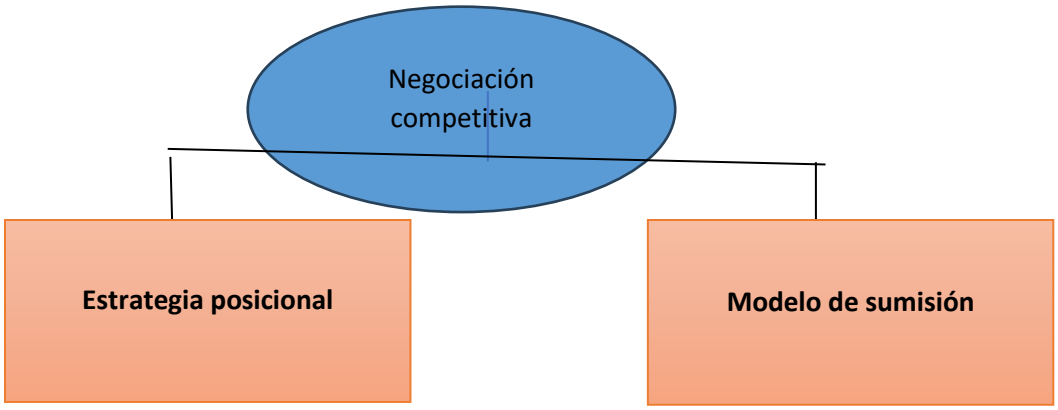
At the start of this document, we referred to the importance of collaboration in negotiation, advocating for an approach that doesn't assume a win-lose dynamic (zero-sum), but rather the win-win formula (positive sum). However, we cannot hide the fact that behind a negotiation lies a conflict of interests that often requires arbitrating differences and distributing costs and benefits. A conflict and antagonism that stimulate positional confrontation articulated through competitive negotiation strategies.

It might be a mistaken perception because negotiating cannot mean facing off against the other party. A situation of pure conflict would fall outside the scope of a negotiation in the strict sense, though often conflict plays a significant role in negotiations. In these cases, the collaborative strategies, which we will address in the next section, give way to

competitive or distributive strategies. In this type of negotiation, we can distinguish two approaches:

- Positional Strategy
- **The Submission Model**

Figure 4. Competitive Negotiation



Source: own elaboration

Positional Strategy

This type of negotiation begins with an approach to conflict where the goal is to secure the largest portion of the pie. We are dealing with a distributive approach, as it simply maintains the position of maximizing one's own interests as much as possible. Confrontation is not avoided, assuming that the counterpart is an adversary with whom we won't have further contact or ongoing relationships. In this sense, the relationship is not valued, and therefore trust and reputation don't need to be cultivated. Risk is preferred, even if it means the negotiation breaks relationships.

To illustrate this model, we could think of a negotiation between a club and the Olympic committee regarding medical services provided to players during a competition. It's likely that the club's sports management sees its relationship with the Olympic committee as too sporadic to value it highly, meaning they may prefer to take risky positions, even resorting to manipulation or deceit to achieve a favorable outcome. Conversely, the sports management must also protect itself from an Olympic committee that has little or no interest in a specific club.

We have specifically used the terms manipulation and deceit, because in a competitive negotiation, manipulating the adversary's perception of our VR can be a central goal. That is, if we manage to make the Olympic committee believe that we will be inflexible about

medical services, they may concede on their positions. This inflexibility might be deceptive, but it could play a crucial role in our negotiation. For this reason, in positional strategies, it is very important to incorporate verification methods (often relying on independent third parties) to shield ourselves from deception and manipulation. Those who know and control the correct information are in a privileged position.

The Submission Model

This model rejects manipulation but also seeks to affect the adversary's behavior. The strategy isn't so much about impressing them with the rigid negotiator's model, but rather placing the counterpart in a dominated position, in a state of submission. This situation arises when the adversary has no alternatives and becomes something of a hostage.

Referring back to the previous example, the club can place the Olympic committee in a dominated position if it is clear that they will have to yield to the committee's demands or risk having no players to compete. However, this dominant position requires the support of other clubs; if that support is absent, we may find ourselves in a situation where the committee holds the dominant position, informing the club that they have many alternatives available.

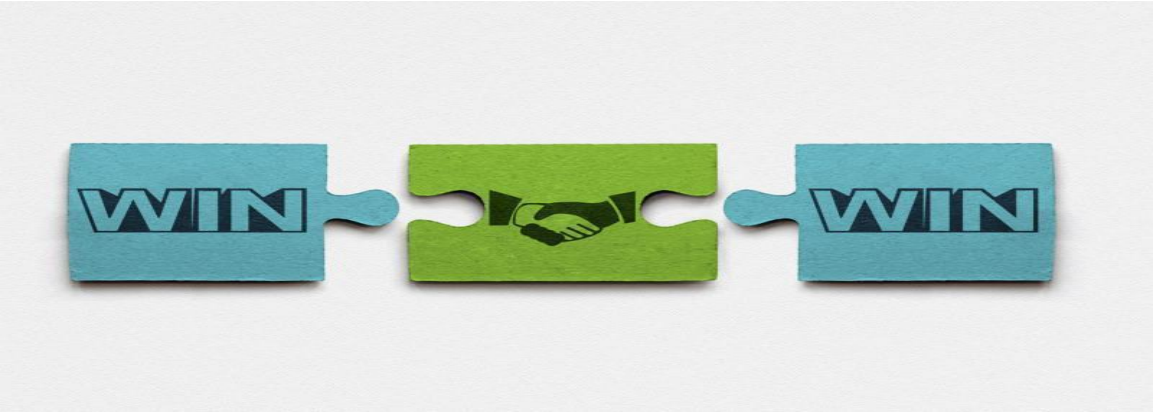
In this section, we have briefly referred to some competitive negotiation strategies, although, as we mentioned earlier, there is some contradiction between the negotiating logic and the competitive logic. This contradiction can be especially relevant in the field of sports management, as the parties involved in negotiations tend to have frequent and ongoing relationships. Winning in the short term but sacrificing credibility and relationships can mean losing in the medium or long term.

In an environment where players move frequently, where positions are highly mobile, and where negotiations are recurrent, opting for strictly competitive strategies may be a short-term option but not a permanent approach. For all these reasons, we should focus on the next sections, where we will discuss integrative or collaborative negotiation strategies, a relational approach to conflict resolution that also holds potential in the sports world.

Integrative/Collaborative Negotiation

Both the design of the negotiating structure and collaborative strategies tend to disregard the interests of the counterpart. The goal is simply to win the game, often through a rudimentary approach that doesn't consider that negotiation isn't just about dividing the pie, but that it is also possible to increase its size. A win-win approach, where what we call collective intelligence can generate results that optimize the satisfaction of both parties.

Figure 5. Win-Win



Source: European Business School, s.f., https://lc.cx/0cAXs0

From this perspective, the key is not positional play, but the encounter and dialogue. In this sense, infusing the negotiation with this intelligence means we are operating on two pillars:

The exchange of reasons and arguments that allows us to expand the pie, that is, generate results that go beyond mere distribution. Dialogue not only helps us make a decision, but also allows us to improve it.

The establishment of relationships facilitates the building of trust that, in the medium and long term, will enable us to continue engaging in fruitful negotiations. Thus, dialogue is not limited to the present, but its results project into the future.

Integrative or collaborative negotiation is based on the virtues of dialogue, not on the strength of positions. It is, moreover, a model of negotiation with future expectations, which is highly relevant in an environment like sports, where different agents will repeatedly meet. There is a close relationship between win-win outcomes and the ability to infuse the negotiation with patterns of collaboration, reciprocity, and trust that endure over time. The ability to achieve my winning position depends on the other negotiating party also achieving a win, meaning we are not simply invoking generosity. The collaborative strategy unfolds from the interest of achieving better results.

Integrative negotiation incorporates a more complex and sophisticated strategy than competitive negotiation, exploring the potential of collaboration as a way to produce winning results for both parties. In the negotiation to sign a player from a rival team, for example, we should not expect our satisfaction as winners to come at the expense of the loser's dissatisfaction. Instead, we should aim for a higher satisfaction that we can only achieve through collaboration. It is a strategy that generates additional value and goes beyond distributing a fixed value. This is achieved because smart agreements seek to reconcile interests rather than fix positions.

To move in this direction, we need to recognize that a fruitful agreement is one that is able to leverage differences, not try to reduce them. An agreement that requires open and analytical negotiation, where we must follow these steps:

- Explore the interests of the other party.
- Detect the degree of convergence and divergence of these interests.
- Generate negotiating proposals that go beyond our positions.
- Organize the dialogue, the interactions that lead us to agreement.
- Refer the most antagonistic aspects to impartial procedural criteria.
  Beyond these intuitive steps, collaborative negotiation has a set of techniques that range in sophistication, which we will synthesize in this document, starting with a reference to the importance of trust (trust management) (Child and Faulkner, 1998) and a brief explanation of the foundations of the famous Harvard model.

Trust Management: As we can easily deduce from the previous paragraphs, trust is a primary resource in integrative or collaborative negotiation. However, trust is an intangible and fragile resource. Intangible because we cannot materialize it through rules or procedures, and fragile because any incident can spoil it. Trust, as the saying goes, is hard to build and collapses with ease.
Trust is both very important and complex to incorporate into negotiations, which is why we require explicit management of it. There is some literature that allows us to advance in the direction of trust management and proposes, in very brief terms, that the building of trust should go through three successive stages: initiating it, deploying it, and consolidating it.

Initiating Trust: As we anticipated, the starting point is not innate generosity, but something much more material: the calculation of the cost-benefit relationship. Trust between negotiators cannot be based on altruism, so it requires the actors to perceive that an eventual collaboration strategy will produce a beneficial cost-benefit relationship. This relationship must be managed, as the parties don't always know how to identify or properly evaluate it.
When negotiating the signing of a new player, both the clubs involved and the player himself must recognize an equation where the costs are tolerable and the benefits appealing. If any of the parties believes that the costs are too high and the benefits minimal, it will be difficult to begin negotiations. In this sense, a sports department should not only define its position but also ensure that the different actors can visualize the benefits to be achieved (sporting, economic, or project-related) and simultaneously minimize the costs they will have to bear (such as losing a player, incorporating the cost into a financially feasible deal, or presenting an alternative project). Only from this utilitarian base can we begin to build the relationships that will lead us to trust.

Deploying Trust: Once the utilitarian relationship is initiated, trust develops through a process in which we get to know and recognize the other parties involved in the negotiation. Getting to know them means understanding who they are and what positions

they defend, while recognizing them means being able to understand their positions, even if we do not agree with them. Only when we know and recognize the others do we have enough trust to deploy collaborative negotiation. Sometimes, we have referred to this phase as "moving forward together from our differences." We can often find ourselves in this situation, but only with people we trust. When we manage to do this, we exploit the mutual benefit.
In this sense, in a negotiation between two sports clubs, progress is made from trust not when they agree on their interests, which is unlikely, but when they know each other enough and recognize each other despite their differences. Achieving this state of trust also requires active management that fosters encounters, the climate of debate, mutual attentions, shared stories, and, why not, informal moments of disconnection.

Consolidating Trust: Finally, according to trust management experts, trust is consolidated when we achieve what is called double strategic and cultural compatibility. This is a horizon that we may not reach, but it is the goal we should pursue. On the one hand, strategic compatibility refers to sharing goals (understanding the ultimate reason why we are negotiating), while cultural compatibility relates to agreeing on certain ways of doing things and behaving.
When we talk about strategic compatibility in sports negotiation, we assume that each party has its own objectives and interests, but we should share a joint understanding of what we are pursuing. At the same time, and this is especially significant when dealing globally, some distrusts arise from different cultural forms, which involve dynamics and work styles that can clash. Trust requires accommodating these differences.
Trust does not appear magically or by decree; it must be cultivated. It is a key ingredient in the collaborative negotiation model, and at the same time, it requires a perspective that transcends the immediate transaction. In a field like the football market, where actors are always the same and meet repeatedly, the value of trust becomes decisive.

The Harvard Model: The Harvard Project is one of the most prominent initiatives in the field of negotiation internationally, and it represents a firm commitment to generating intelligent responses based on a model where principles and interaction are central aspects. There are many courses and materials on this method, which can be summarized through the four basic rules it comprises:

Figure 6. The Harvard Method

Source: Vicente Díaz, 2017, https://lc.cx/ftHmfd

Separate the people from the problem. This first rule involves recognizing the relational and emotional aspect of any negotiation, acknowledging that instead of focusing on the parameters of the conflict (the problem), we should prioritize collaborative interaction (between people). It is about shifting the focus of the negotiation.

Focus on interests, not positions. We begin by understanding that while positions are fixed and require strategies that limit themselves to defending them, interests are flexible and invite sharing and debate. Negotiation moves away from the logic of trench warfare to a dialogue table, where it is important both to express one's own interests and to listen to the interests of the other party.

Generate multiple possibilities before deciding. Building on the previous point, it is considered that dialogical interaction generates alternatives that were not initially on the table. It is presented as an approach that stimulates innovation, understanding that an innovative space, according to specialized literature, must have three basic characteristics: embracing ignorance, accepting imperfection, and working from hybridity. These are three seemingly puzzling ideas, but simple to understand:

- **Embracing ignorance** means accepting that negotiation is a learning process from which we can derive a solution that did not exist before. That is, it is not about seeing which option prevails, but about discovering new possibilities.
- **Accepting imperfection** means understanding that when we negotiate, we must be capable of opening our minds and thinking outside the boundaries. At the negotiation table, we must overcome constraints and, at least as a future strategy, we must be able to explore alternatives that might initially seem impossible.
- **Working from hybridity** means understanding that the ability to generate innovative alternatives does not depend on the knowledge of one party, but on the knowledge derived from addressing our challenge from multiple perspectives. In other words, the capacity to generate new and better alternatives does not come from concentrated technical knowledge but from the diversity of viewpoints, from the intersection of different perspectives.

Base results on an objective criterion. Finally, the conclusion of a negotiation process depends on framing the different positions under the lens of an objective and shared criterion. This means assuming, as we stated initially, that beyond the war of positions, we must construct and invoke a principle as a negotiating framework that will allow us to channel the negotiation. These guiding principles relate to the strategic positions of the different organizations, not specific instrumental objectives. Thus, the Harvard model requires negotiating parties to have the strategic perspective analyzed in other modules of this course.

In short, betting on collaboration means achieving something seemingly contradictory: understanding that negotiation progresses more when we embrace and leverage differences than when we fight them by trying to impose our position. This is mainly due to the collaborative model's ability to discover intelligent and innovative options. But it also has to do with the capacity to see negotiation as an ongoing activity that projects into the future.

The integrative or collaborative negotiation provides new methods, but more importantly, it requires new skills, a cultural shift in how we understand and behave in a negotiation. This change involves embracing the importance of the future (rather than focusing on immediate gain), caring about understanding and incorporating the other party's interests (rather than defending positions), adopting the logic of reciprocity (instead of individual competitiveness), and finally, recognizing the options on the other side of the table (instead of rejecting and fighting them). A fundamental transformation that, we insist, represents a bet on intelligence and innovation.

Skills for Negotiation

Beyond the approaches presented in the previous section, any negotiation largely depends on the behaviors and actions of each party. Negotiation requires specific behavioral skills, which, although often defined as intangible factors, can and should be stimulated and worked on. In other words, the skills of a good negotiator have innate roots but can also be learned. As Callieres (1716) wrote in his essay on the way of negotiating for princes:

"The ideal negotiator has a quick mind, but unlimited patience; knows how to be modest yet firm, how to mislead without being a liar, how to inspire confidence without trusting others, how to charm others without succumbing to their charms, and has plenty of money and a beautiful wife so he can remain indifferent to all the temptations of wealth and women" (p.21).

Since the 18th century, many things have changed, although this description still contains the basic references to the skills of a good negotiator: a seducer and a good

communicator, an intelligent and flexible person, a shrewd character in their strategies, and consistent with their goals. These are skills that define a person, but also skills that can be worked on and learned. In this regard, based on the previously cited work of Mendieta (2002), we propose addressing these skills based on:

1. The characteristics of effective planning.
2. Face-to-face behavior.
3. The importance of active listening.

Planning for an Effective Negotiator

It is crucial for a good negotiator to plan the strategies to follow during the negotiation process. Perhaps the worst attribute for any negotiation is improvisation, as it will easily lead to unexpected results that are unlikely to match our goals. Even if the negotiator is skilled, this ability fades if there is no prior work of preparation and planning.

In our area of interest, we cannot sit down to negotiate a transfer without first preparing for the negotiation. This preparation is related to the techniques presented in the previous section, although in terms of skills, some practical recommendations can be identified:

- Dedicate time to prepare for the negotiation. We insist on this starting point to emphasize again the need, despite the frequent pressures of time and schedules, to never sit at the negotiation table without having dedicated some time and effort to prepare and plan the process.
- Have options available. When dedicating time to preparation, the effective negotiator should have built a range of options as broad as possible, including both their own options and those of the negotiating counterpart. Developing this range of diverse options requires working them out from imagination and creativity, attributes that will place the negotiator at an advantage. It's as if the good negotiator is capable of playing with more cards than the other party.
- Anticipate the shared ground. While many negotiators fall into the temptation of focusing on the conflicting aspects, the good negotiator dedicates themselves to identifying the common ground capable of uniting the parties. We cannot forget that the goal is to reach an agreement, so we need to find the shared space, seek, and exploit points of agreement.
- Focus on the long term. Given the speed of the current world, which is also present in sports management, negotiations often seek short-term results. The good negotiator, however, must think about the impact of the eventual agreement in the long term. That is, we cannot negotiate solely thinking about the present needs of a sports team; what really matters is its impact on the future.
- Set and expand boundaries. It is true that limits should be established to identify those objectives that are non-negotiable, but the good negotiator must be able to

expand them as much as possible. The objective of a negotiation is not to get stuck in conflict but to move towards agreements. Therefore, managing options that allow us to move with more flexibility is a skill of the good negotiator.

- Think through the sequence. As it is a process, the good negotiator is able to imagine and anticipate its stages. Managing time and controlling the phases is a skill that allows us to position ourselves in a dominant position that will make it easier to achieve our goals. In cases like player transfers, where sequences are conditioned by competition schedules, this skill is especially crucial.

Figure 7. Phases of negotiation

Source: Eficax, s.f., https://lc.cx/zl6diR

Face-to-Face Behavior

Beyond preparation, negotiation primarily unfolds through the encounter and exchange of proposals between the parties. This simple observation highlights the great importance of face-to-face behavioral skills. Once again, these are skills that come naturally to some people but also require certain techniques that can be trained and learned. The effectiveness of the negotiation largely depends on the ability to manage this skill, so we suggest considering some ideas:

- Active listening: In the next section, we will delve further into this crucial aspect, but for now, it suffices to remind that, in a face-to-face relationship, it is essential to take the time to listen to the reasons and arguments of the other party. This attentive and active listening serves not only to gather essential information about the other party's position and interests but also to gain their trust and show respect.
  Active listening includes tools that we can use, such as paraphrasing (repeating in other words what we are hearing to confirm a good understanding), asking questions (to thoroughly understand the other party's needs, how they feel, and

what their expectations are), and adopting non-verbal behaviors (such as body posture, eye contact, note-taking, etc.).

- Softening arguments, focusing on the main argument: We often think that the best way to negotiate is to use a flood of irrefutable arguments that will eventually overwhelm the opponent. Faced with the consistency and overwhelming number of our reasons, we believe the other party will have no choice but to recognize them and give in to their initial positions. However, negotiation experts reject this premise and instead recommend focusing on a single argument and repeating it insistently. Bolstering our position with additional arguments does not improve our stance; on the contrary, it may harm us by opening up areas of weakness or creating further conflict.
- Avoid irritating factors: In a negotiation, we often use expressions that contribute little to the agreement and, at the same time, irritate the other party. We are not referring to aggressive or rude expressions, which we should obviously avoid, but rather condescending phrases like "as you know," "this generous offer," "the confluence of our paths," etc. We seek collaboration and agreement, not to dominate or humiliate.
- Be cautious with immediate counteroffers: Responding quickly, almost automatically, to an offer made by the other party is something specialists recommend avoiding. On one hand, this immediate response occurs at a moment of low receptiveness, as the other party has just defended their position and may need time to accept modifications. On the other hand, the speed of the response gives the impression that the offer has not been properly heard or has been taken lightly. We must show interest and respect, or we may end up fostering a block or disagreement.
- Stop the defense/attack spirals: Conflict fuels emotions and intense feelings, meaning negotiations can enter spirals that move us further away from an agreement. To avoid these escalations, it is crucial to stop them early on. A good negotiator will try to control these spirals, avoiding getting into fruitless arguments with the other party.
- Verify and summarize understanding: A useful skill for a negotiator is to recap the agreements made by summarizing the parties' positions, highlighting common ground, and emphasizing progress. This behavior helps clarify misunderstandings and defines the common ground, while also identifying areas where differences still exist.
- Patience: This may be the most appreciated and important quality for those leading a negotiation. During negotiations, there are often many detours, setbacks, stalled progress, and repetitions, digressions, and even impertinences, putting the parties' patience to a severe test.

In contrast to these suggested behaviors, the negotiator should renounce lying, rigidity, the need to please, and excessive use of emotions. In summary, using the words of Carles Mendieta (2002):

"The behaviors of capable negotiators lead them to act in a charming manner. They are people who know how to listen; who avoid arguing; who do not constantly argue; who seek what unites them rather than what separates them; who never lie; who are consistent but gentle in manner; who understand that negotiation is not a competition, but a path to collaboration; and who, finally, seek their own benefit through the other party." (p. 25).

The Importance of Active Listening

As mentioned in the previous section, active listening is a fundamental skill for effective negotiation. It is a critical ability that has a crucial impact on the outcomes of any negotiation. It involves a variety of behaviors aimed at conveying that we are listening, understanding, appreciating, and accepting the goals behind the other party's proposals. It is a recognition of the other's position and interests, and thus becomes the engine of the negotiation, which, as previously mentioned, consists of achieving our goals through the other party, not against them.

The good negotiator, when listening, does not evaluate, but accepts the other party's ideas and feelings without making moral judgments and strives to understand and incorporate their positions. In fact, when we listen, we activate two relational mechanisms: on one hand, recognizing to what extent we agree or disagree with the other, and on the other hand, determining if we are capable of putting ourselves in the other party's shoes. If we combine these two mechanisms, we get four scenarios in which we can place different listening models:

Table 3. Listening Model Scenarios

	Agreeing with the other	**Disagreeing with the other**
Being able to put oneself in the other's shoes	**SYMPATHY**	**EMPATHY**
Not being able to put oneself in the other's shoes	**EGOPATHY**	**ANTIPATHY**

Source: Mendieta, 2002, p. 26

The sympathy quadrant defines a scenario where agreement converges with the ability to put oneself in the other's shoes, making it seem like an ideal situation for negotiation. However, not only is it an unlikely position, but it can also be misleading and confuse the negotiator, who might lose track of the original conflict of interest being negotiated. In the opposite scenario, that of antipathy, we neither agree nor are we able to understand the other's point of view. We do not comprehend or are unwilling to understand their positions. In this case, antipathy anticipates poor relationships, even personal ones, which feed the conflict and move the goal of any negotiation—agreement—further away. Third, when we agree with the other but are unable to put ourselves in their place, we are in a scenario called egopathy. This is a trap, as we have clear potential for agreement but are unable to materialize it because we only listen to ourselves. We may be discussing the same things but are incapable of recognizing it because we only hear our own words. This is perhaps the scenario furthest removed from good negotiating behavior. Finally, the most real and fruitful scenario from the perspective of negotiation is empathy. Although we start from disagreement (which places us in a realistic position), we are able to put ourselves in the other's shoes and, therefore, have the potential to build an agreement (fruitful relationships). We understand the adversary without judging them or necessarily agreeing with them. This is the space of the good negotiator. It is an essential skill that, as mentioned earlier, can be trained and learned. Some common suggestions include:

- Paraphrasing the content. We show empathy when we are able to reformulate the other party's position in our own words, demonstrating that our listening has turned into understanding. We can only paraphrase when we have fully listened to the explanations, so it's a sign of empathetic capacity.
- Projecting the consequences. Going a step further than merely reformulating what we've heard, projecting the consequences means letting the other party know that we understand the implications and where they want to direct the results. When doing this projection, it's important that it is truly based on their words, not on our interpretations that could distort their positions.
- Reflecting feelings. We take it even further when, in addition to listening and understanding the content, we can detect the feelings or values of the negotiating counterpart. This is a skill that needs to be managed carefully but shows empathy beyond merely understanding the arguments.
- Inviting new contributions. In addition to listening to what is said, we can also ask for further explanations, showing a genuine interest in broadening our understanding of their positions. However, these are not evaluative questions, but rather attempts to expand the understanding.

Figure 8. Skills of the Good Negotiator

Source: Forbes Uruguay, 2023, https://lc.cx/K48F9Q

The skills of a good negotiator are not related to their strength or individual competence, but rather to relationships and empathy. Negotiation unfolds in the interaction with the other party, in working on the connections that must enable the generation of value and collective intelligence.

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