

Overcoming the impasse

What to do when negotiations hit a snag

Question:

Four weeks ago, I was assigned to lead a major company initiative because the two departments who will implement the plan have opposing positions and had reached an impasse. Do you have any suggestions to help me facilitate these discussions and minimize the risk of stalemate?

Response:

How much do you know about the two parties in question? Learn as much as possible about the discourse between the two departments so you will have insights and perspective about their motives and actions.

Find a time to talk with each side separately:

Learn about each department's history – what's happened to cause them to take such a hard stance?

What significant changes have they experienced in the last five years? How well did they embrace each change? Could their resistance be their normal response to change?

How will this initiative ultimately impact each department? And each department leader?

What outcomes does each department want to see happen and why?

What are they afraid of or concerned

about and why?

What happens if the company does not support this initiative?

What will be different when the initiative is fully implemented?

Gather as much background information as possible. This will help minimize the risk of being shocked or thrown off balance by their rancor. The insights you gain regarding their motivations will help you understand their communications and actions better. The goal is to facilitate a process in which each party receives adequate opportunity for their voice to be heard.

It's prudent to establish some basic ground rules that both parties agree to abide by. These may include: open communication, never leaving in a heated rush, and decision by sufficient consensus. Sufficient consensus means a party can vote against an individual section of the proposal while still voting for passage of the entire plan.

Open communication is an effective facilitation/mediation strategy because all parties agree to listen to full disclosure of the issues without time constraints. When both parties are given the opportunity to speak fully and be heard, they feel validated. Being heard is not to be confused with being right. The right to voice an opinion is simply one part of a supportive process that gives all parties equal respect.

In the U.S. Senate, there is a rule of unlimited debate. The rule states that all parties have the ability to speak on an issue as long as they want. This might not be completely possible for every debate, however, conscious support for the intention to allow each party equal opportunity to present their ideas and concerns without constraints gives validity to the process. Neither party can negate the process or the progress by saying, "Jack didn't allow me to tell the group . . ." Adequate time for full presentation of the issues will take planning and patience and may, or may not, be

supported by your timeline.

In addition, you might find these five strategies for dealing with an impasse helpful:

- **Take a recess.** When you encounter a roadblock that is seemingly impassable, take a break. Depending upon the magnitude of the situation, you might decide that a short break, maybe 15 to 30 minutes, is enough time for people to refresh themselves. Or maybe they need more time – a day or a week. Sometimes, it's apparent that progress has stalled because one of the parties needs to discuss a particular matter in more detail with their team members before continuing. This is also a good time to take a break.
- **Illustrate:** Put facts and figures, agreements and disagreements in black and white. In other words, when you have some "wins" under your belt, you might decide to recap both the progress you've made, and the areas you still need to work through. Ex-Senator George Mitchell used this strategy brilliantly when he was mediating the Northern Ireland Peace Treaty. At one point in the negotiation, both parties were refusing to budge from their positions. The Senator called for a two month break. During that time he recapped the areas where the Unionists and Nationalists had worked through their differences and reached agreement. Then he listed the areas where opposing views still remained. When they reconvened, he reviewed the document in detail. Afterwards, one of the parties stated that in their entire history, they had never "been on the same page with so many issues" and that they were committed to not allow the remaining issues to impede their progress. This broke the stalemate, and allowed the parties to move forward.
- **Hypothetical situation:** The discus-

sion of a hypothetical situation can stimulate creative thinking and problem-solving and redirect the conversation. Say something along the lines of, “I know this is not the case, but suppose we were to imagine that . . .” and allow each party equal opportunity to participate. When facilitating an emotionally charged issue, it’s not unusual for people to become locked into a position and not be able to consider other possibilities. As the facilitator, you need to help both parties shift gears and consider additional options.

- **Doomsday tactics:** Explain the dire consequences of not reaching an agreement. There are times when reminding the group of the consequences associated with not reaching an agreement is startling enough, that it jolts them back to a more engaged and creative stance. In your situation, what are the conse-

quences to each department, and to the corporation, if the parties are unable to ratify an agreement?

- **Impose a deadline:** To have validity, this is used only once during a negotiation, unless small, critical steps can be supported by an apparent or agreed to timeline. There are times when eliminating the option to stall can refocus the commitment to resolve the differences. Again, Ex-Senator Mitchell used this strategy to resolve the talks. During a very heated exchange, he stated that he had a plane ticket to return to New York on Good Friday and that he promised his family he would be home for Easter. He indicated that he would be on that plane and would not be returning. If the two parties could not resolve their differences, they would need to pursue other options if they wanted to move forward.

This broke the stranglehold and he left Ireland on Good Friday, with a solid agreement.

As a mediator, it’s easy to become consumed by the drama of the situation and the emotion of the moment. To remain impartial requires intense emotional discipline and patience. The more you know about each party and how they handle stress and demonstrate resistance, the more prepared you will be to facilitate a meaningful dialogue without permitting either party to dominate or control the proceedings.



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