



Understanding Negotiation Fatigue Syndrome And its Impact on the Mindset of a Negotiator

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JOHN COULD SEE THE END IN SIGHT after nine grueling months of off-again, on-again negotiations with Anna.¹ At times it looked as though the deal was going to collapse, but somehow he had kept it viable despite little help from Anna. John had been creative in trying to meet her interests, and he was even able to dissuade her from some very inflexible positions she had taken. Now, all that remained was agreeing on a delivery date

and a schedule – elements that had eluded them from the outset.

John was fatigued after trying to be inventive on this final issue, especially as it was clear Anna was firmly fixed in her position. Clearly John needed this deal more than Anna, and she was doing all she could to remind him of that fact. From a comprehensive perspective they had made tremendous progress.

Could they really let this one final issue stand in the way of reaching an agreement that was in both their interests? John certainly thought that not reaching an agreement would be foolhardy. Anna, on the other hand, thought the opposite because she believed her best offer on this issue had been presented. John had said “no” time and again. As Anna was preparing to depart John looked up, clearly mentally and physically exhausted, and said “Okay.” Anna, not really thinking much about what had just happened, replied, “Okay, what?” John elaborated, “Okay – I will take your offer on this last issue.” A concession that Anna seized upon: “Great, I will have the contract for you in two days.”



Welcome to negotiation fatigue syndrome

What happened in this situation is a common, yet little discussed, problem in negotiation. There are many interpretations as to John’s sudden concurrence. However, when queried by this author as to why he had accepted the less-than-optimal deal after extensive deliberations John described his mindset in this manner: “I was simply exhausted and could not imagine letting all this work go down the drain. I mean nine months! In hindsight, the agreement was a good one for our organization with the exception of the last issue. It was not in my best interest to agree to that, but I was tired and so desperately wanted the agreement. I caved because I wanted the agreement badly and just had enough.”²

What happened to John is not an uncommon human response, and one I term “Negotiation Fatigue Syndrome” (NFS). In understanding NFS it is important to know how I am defining fatigue, which is as follows: temporary loss of strength and energy resulting from hard physical or mental work.³ The distinction between mental and physical fatigue is an important one -- the former element is far more significant in a negotiation process and to the onset of NFS.

NFS most often sets in when one’s desire for agreement is high, while simultaneously one’s fatigue level is also high. As these two elements converge, the interests of the party fade dangerously from the picture. NFS may arise at various points in the negotiation process but is most inopportune where an agreement is apparently tantalizingly close, often with one remain-

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ing unresolved issue. As an agreement nears this critical point, three possible scenarios emerge.

The first scenario is for one negotiator to intensify his or her position vigorously, thereby threatening the other party to concede or lose the deal. This tactic most often produces one of two responses: (1) no agreement or (2) a significant concession that might later be regretted. In the latter situation, especially, the prospect for a long-term and sound negotiation relationship are severely diminished.

The second scenario is for the negotiators to agree to a creative, option-generation process to try to think their way out of the bind they find themselves in. This approach is one that most in the interest-based world of negotiation advocate and has a good chance of producing unexpected results. However, when deliberations reach a final, but critically intense point, some negotiators will feel as though they have exhausted all options and lack the desire to continue the exploration.

This leads to the third and most relevant scenario – the subject of this paper – wherein the negotiator is fatigued and their resolve is fading. As a negotiator’s resolve fades, their temporary subjective value assessments shift, such that these unresolved issues begin to wane and lessen in importance. As a result the negotiator develops a desire to divest themselves of the

stress of the process. Ironically, one way to do that is to dramatically increase their desire for an agreement. All of these factors contribute to the problem of NFS. Negotiators who fall victim to NFS often suffer from the psychological concept of entrapment, which is:

“when a party expends seemingly unjustified amounts of time, energy, and resources because they cannot admit they were wrong in what they did. So they continue or even increase their commitment to a failing course of action in order to justify their previous investments. As time passes, the cost of continuing increases, but so do the prospects of reaching one’s goal. Because they do not regard total withdrawal as an option, they come to regard total commitment as the only choice.”⁴

Put more succinctly, these negotiators see themselves as having invested so much – i.e. their perception of their sunk costs is very high -- that it becomes virtually inconceivable for them to let a deal go at this crucial juncture.

Strategies for dealing with NFS

So, what can be done about NFS and how can negotiators avoid falling into this common negotiation trap? The first and simplest action that can be taken is to be aware of the existence of NFS and why it emerges. I have found through my work that much of what we do in this field is naming concepts and raising people’s awareness of issues and the traps negotiators find themselves in. While raising awareness might not seem important, it has proven invaluable to the many people my colleagues and I have worked with over the years.

The second important step you can take to prevent NFS is to solicit the help of a reflective partner before the negotiation process begins. This partner’s role is as an “NFS early warning detector”. In other words, they check with you frequently during the process to assess the status of discussions, thereby assuring that any agreement satisfies your key interests. There are a number of ways for a partner to accomplish this – including having you apply a proposed agreement to external principles of a good agreement.

The third precaution you can take is to go to the balcony – to borrow a phrase from William Ury. The balcony is a place where – in the heat of the moment

– a negotiator can go to simply stop, take a moment of respite, and think about the consequences of their potential actions. A period of temporary reflection is vital, particularly during emotionally charged moments of anger, frustration, and fatigue – all of which contribute to NFS.

Finally, you can avoid making a hasty decision as a result of NFS by understanding and having carefully thought through your Best Alternative To a Negotiated Agreement (BATNA). Presumably to this point – if you are at the precipice of an agreement – you have made the calculated decision you can do better at the table than exercising your BATNA. The question is whether your BATNA is better or worse if an agreement does not include the issue you are about to concede. If you have not thought about your BATNA you are more likely to acquiesce to any agreement for fear of walking away...when that fear may not be accurate. While your BATNA could theoretically be used as justification for accepting any deal that is better than your alternative, a major concession could turn the agreement from better than your BATNA to worse than your BATNA. You, as a negotiator, must be conscious of that danger leading to a false sense of assurance.

A key to negotiating responsibly

In summary, it has proven valuable in any negotiation



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process to be aware of NFS as an important dynamic and complicating factor. In particular, this psychological and physiological fatigue scenario generally emerges at the terminal phase of a negotiation, thereby often exacting premature or inappropriate concessions. This short paper has outlined some contributing factors to the surfacing of NFS as well as provided some remedial actions that can be taken to prevent it. It is critical that a negotiator fulfil their responsibility to themselves and others they represent by eliminating or minimizing hasty decisions. ■



End Notes

1 This story is from an actual negotiation conveyed to the author. The names have been changed for confidentiality purposes.

2 Interview with author April 2004.

3 From <http://www.hyperdictionary.com/dictionary/fatigue>.

4 Summary of Conflict Escalation. Available at <http://www.intractableconflict.org/m/escalation.jsp>