

## Interview Bob Bordone - Tim Masselink

**Interviewer:** Bob and Tim, welcome at TrustTalk. You are both experts in the art of negotiation. Let's kick off with what seems like a logical question. Why is it that establishing trust is critical to achieve success in any negotiation?

**Bob Bordone:** Well, first of all, thanks so much for having me and good to see both of you. And I'm so curious to hear Tim's thoughts on this. I think from my perspective, trust is, I would say, incredibly helpful and almost necessary for negotiation. It certainly makes negotiations much easier. I would not go so far as to say that even when there is no trust, we shouldn't try to negotiate. But part of what makes trust useful and trust really helpful in a negotiation is that negotiation is really about future performance, things that we are saying that we will do or will refrain to do from doing and having a sense of belief that the other will follow through on whatever those things are, whether it's as simple as paying me for my car or as complex as, withdrawing troops over a complicated schedule from a contested area, the more I have some sense that you will actually follow through, that what you say is what you mean, that what you say, your red lines or what your red lines really are, the easier it is for me to share real information about my preferences, my beliefs, what I can, or cannot do. And so whenever possible, we want to do the things that would help us build trust in a negotiation. There's a line that one of my mentors, Roger Fisher, who wrote "Getting to Yes", and was really the founder of negotiation as a major field in the United States. He actually founded the program on negotiation at Harvard Law School. He would say that you don't want to be wholly trusting in negotiation, but you want to be wholly trustworthy.

**Tim Masselink:** if I can respond to that, Bob. Thank you so much for having me, Severin, and also thank you for being with us, Bob. So from my side, I really agree with what Bob said, and it could even maybe make a distinction between like a trust in the negotiation process and trust in negotiators themselves, so I think both are very helpful, . because trust in the process, it kind of gives a process a legitimacy to it, if the people trust that it's a fair negotiation process, but on the side of the negotiators, I would say that if you are viewed as a not a trustworthy or a credible actor, it's very difficult to negotiate because everything you say basically will be doubted and people will not trust you. So even if you are right, it still comes with like a little bitter taste of, uh, is it really true what they what they're saying or not? And that, in turn, will make it very difficult for you to get to results.

**Interviewer:** In preparation for this interview, I try to read as much as I could to discover what role trust plays in negotiations. I have to say that's a Herculean task So many books, so many articles, so many advisors, TED talks, you name it. Bob, to start with you, in 2005, you wrote a book with Michael L. Moffitt

on dispute resolution. It's called "The Handbook of Dispute Resolution". That intrigued me because the words negotiation, conflict resolution and mediation are often mentioned in one breath with trust. What have those three in common?

**Bob Bordone:** I think in negotiation as being the umbrella of almost all things in life, this is what you get when you talk to a negotiation professor, right? But negotiation I define as just any intent, any effort, any set of communications with an intention to influence or to persuade. So embedded under negotiation are things like dispute resolution or conflict resolution or mediation in my mind, because all of those tasks in some way are around trying to influence behaviour. Negotiation is bigger than that. Negotiation includes both making deals and helping people resolve conflicts or helping people manage disputes in some way. But I think they connect in many respects and in fact, really skilful mediators or facilitators of processes, so people like Tim, for example, can often help parties make a conflict or dispute into a deal, because one of the things that's quite interesting is so often part of the reason why they're in conflict, of course, is a disagreement about substantive terms, but another reason why they're in conflict, going back to this idea of trust, right, is that people have acted in ways that have breached trust. And part of sometimes what a good mediator or a good facilitator of conflict can do is help unearth those deeper dynamics and help parties repair in a way that helps them rebuild trust and actually find ways to build synergies and again, not only resolve a dispute, but sometimes actually build a deal from it.

**Interviewer:** I have a question to Tim. Can you predict an individual's ability to negotiate effectively? One would wonder whether some traits are clearly indicative of good negotiation potential, while others are more of a handicap?

**Tim Masselink:** Well, we always had the discussion at the Clingendael Institute whether or not being a good negotiator was more of something of a science or more of an art form because, well, you can actually improve your skills in negotiation, for example. But on the other hand, if you see like really effective negotiators, sometimes they can intervene in ways that for other people you're completely surprised by what they do and the things you do. So there was also a bit of an art to it.

**Interviewer:** what do you mean by intervene?

**Tim Masselink:** The things they say to capture people, for example, or to inspire people. I've been part of many negotiation processes where someone says something and for a moment everybody's scared, like, oh, can you say that? And then suddenly it has an incredibly powerful effect on getting towards an agreement, for example, especially in the conflict areas I used to work. If you really look at the science and at the skills of a negotiator and yes, there are absolutely some skills that are crucial, I would say. So,

for example, empathy would be my number one, skill for a good negotiator. But credibility is a strong second that you're being viewed as a trustworthy and credible actor and steadfastness too so that you are also strong in the moments that you need to be strong to the other parties, but also to your own constituents and base, because sometimes you have to make a deal and the people you represent, they expect a lot from you. And then when you come back to them you have to explain that they might not get everything that they wanted. So at those moments, you also have to be quite strong and firm and really stand behind the deal you made with other parties.

**Interviewer:** Trust seems particularly elusive in big stress, high stakes conditions, as when you're negotiating with strangers, facing deadlines, coping with differences in power and status, or hammering out unenforceable contracts. So, Bob, what are your experiences in those situations?

**Bob Bordone:** Well, I think that's right. I mean, I think one of the one of the things that I would always say, you mentioned, you know, negotiating with strangers and I would say when whenever possible, I would want to do some things to build some relationship, if I can, in advance. I'm obviously in a negotiation where I'm buying a car, I'm probably not going to, you know, invest a huge amount of time and energy to become friends with the car dealer, but in longer term kinds of negotiations, maybe if there's going to be a joint venture, for example, thinking about are there some ways that we can get to know each other? I think the other thing that I would say, and this is, again, where trust really is important is if I know I'm going to begin a negotiation with somebody that is a stranger, I'll probably do some research. If it's a lawyer in Berlin and I know a few lawyers in Berlin, I might call them up, d. Do you know this person? Right. I'll do some research on the Internet. Right. What is their reputation? What outside interests do they have that I can try to create some kind of connection with them? That's something that I really want to do, Tim,

**Tim Masselink:** I just want to add to that, because in the Netherlands, there's a saying, I'm going to say it in English. I'm not sure if it works, but it's like trust, it comes by foot and it leaves by horse. And what it means is that especially when you meet new people, for example, it's slow steps in building the trust. So you cannot if one negotiator would immediately share everything, probably the other side would distrust them and they would be a bit confused as why do you share that with me? We hardly know each other. And so you built a little bit of trust along the way. And then as long as that's being reciprocated, your work towards, uh, bigger and bigger engagements, I would say. However, if someone breaks it, breaks it, trust then and it can be that that it will be very difficult to reach to reach an agreement. And sometimes adding to Bob's point on persuasion, what you see in the Dutch cultural context is that we tend to view negotiations a little bit as a debate. So we try to convince the other side that I am right and you are wrong. And if you do not agree with me, it means that you don't understand my point and I have to explain it

again to you. And that sometimes has a bit of a challenge for the trust, especially when you negotiate with different actors where people sometimes really have a different opinion or different idea. And then explaining it again does not really help. So trust is also, I think, about listening and understanding where a person is coming from rather than just convincing and sharing your own story.

**Interviewer:** Risk and trust two words, two elements in almost all negotiations, so how do they relate to each other?

**Bob Bordone:** I mean, I think there's a big connection between the two, of course, part of what you're trying to do in a negotiation, right, is I think reduce the risk of exploitation to yourself or whoever it is you're representing, at the same time, of course, by dint of the negotiation, right, you are also trying to create some value with the other side. So one of the ways of reducing risk, right, is the more I feel that there is trust with my counterpart, the less risky it is for me to share information about my preferences, the less risky it is for me to engage in a joint venture with them. And, you know, one of the things I always say is when I'm teaching negotiation is that there are a lot of things in the world that we humans can't control. And certainly the last year has really shown us that, because if you would have said two years ago on your list of worries is a global pandemic, where does the global pandemic rank? I would have said it's not on the list, right, so we know that humans, we can't control so much. But one thing we have some ability to control when things and the world go bad, whether it's a pandemic or a recession or a war or a weather event, is how the person on the other side of the negotiation table will act, when these unpredictable things happen. And the more trust, the more we have a good relationship, the more we've worked cooperatively, the more I know that when something really bad happens, they're not going to act, exploit me, but we're going to instead act to try to be supportive and helpful of each other. So those are my thoughts. I'm curious, what say Tim.

**Tim Masselink:** I really like it. I think that I like the point that the relationship is very important here, that what we call the shadow of the future, the fact that we may in the future also work together has an impact on how we behave at the moment, in the moment, in the negotiation. And so so to give you an example, with, like good colleagues, you can share the risk quite easily, because if you get sick, they will they can replace you and vice versa. Whereas if the relationship is not there, the risk is also bigger, of course, because you don't know what you what the future holds. And I think that's, as Bob you mentioned, like if you are going to buy a car that you will behave differently probably than if you have a long term relationship or a long term negotiation with someone. I think the same holds true for for a risk management. That's if you do not know the person very well, you behave differently than if you have a long term relationship or if you will negotiate quite a couple of times in the future.

**Interviewer:** I love examples. I mean, this is the subject, this is the subject that where there are multiple examples, you wrote a book, Tim, together with Maarten van Rossum "Top Negotiators" or in Dutch "Top Onderhandelaars" in which you deal with the

**Tim Masselink:** Bob wrote the preface.

**Interviewer:** Oh yes, he did. He did. one of the things I like about the subject of today's interview is that it is full of examples, like I said. Yeah. So is your book. Yeah. I would love to hear a few of those Yeah, especially those who I trust made the difference.

**Tim Masselink:** We just had a very interesting example of the impact of trust in negotiations here in the Netherlands. Maybe, you know, but we recently had elections and several parties are trying to form a coalition government now. So without going too much into detail, it just so happened that one of the key facilitators of that negotiation was photographed and on the picture, you could read some very compromising notes on a particular member of parliament. So the confidentiality of the negotiation was completely gone. And with that, also the trust between the parties because they were all looking at each other like, oh, who wrote that? Who said that about that person? And then one of the parties got the blame. And after that, it became incredibly difficult to form a coalition because suddenly the one party was really like the bad guy. The others didn't want to cooperate with them. But unfortunately, you have to cooperate to get to a coalition to get a government. So I think that's a very powerful example of how confidentiality is so crucial sometimes in negotiations because it allows people to trust each other. That would if you would do it in the open or on television or whatever, would never be so keen to trust each other. So we have not really talked about like the confidentiality part of trust, but to me it is especially in complex, difficult emotional negotiations, the confidentiality is really one of the key factors in whether or not they will be successful.

**Bob Bordone:** I totally agree with that. Tim, your point is so, so well taken, right? And I think that that relates so much to, again, the existence of trust. And it's something that I think has really eviscerated in the age of social media, the age of, you know, kind of gotcha politics. I can remember this is now when President Obama was president. I remember he had called in Republicans and Democrats into the Oval Office for a meeting. It was around the health care issues in the United States. And immediately afterwards, literally, when then Senator McCain was standing in the driveway of the White House on the White House grounds, he started to talk about everything that was discussed in the Oval Office. And I thought, you can't negotiate under circumstances like that. And I think that this is something that is sometimes confounding to people, at least in the US context. And I wonder also whether in the Netherlands, this idea of where we want transparency,

**Tim Masselink:** Yeah, absolutely

**Bob Bordone:** Everyone else's transparency sounds like a good idea. And of course, transparency is a good idea. On the other hand, transparent, complete transparency does not work in negotiation we need to be able to get into a room and talk about some things with some confidence that you are not going to be broadcasting, tweeting it immediately.

**Tim Masselink:** Yeah, I fully agree and I really like that you raised the point about transparency because it seems to be like something that is the highest objective almost at the moment. We like radical transparency and for negotiations, it just doesn't work like that because people represent people. So you have to if it's recorded, if it's on camera, what will happen is that the negotiators, they will actually turn more towards their base, towards to constituents, then towards each other, because they have to look strong and ready for battle, so to say. And one thing that also comes to mind is in this age with a lot of virtual negotiations, which I know Bob also does a lot of work with, we recently had some EU negotiations with all the EU country leaders via virtual negotiations. And interestingly enough, they were basically completely useless, the negotiations, because people were not willing to compromise or to come together at all. And one of the reasons for that is has to do with trust because it's a bit cynical, maybe, but through ZOOM, or to any other program, you don't know who else is in the room, for example. So you don't know if we are in this call with the three of us, or maybe there is there are five other people standing outside of the reach of the camera

**Interviewer:** or recorded

**Tim Masselink:** Or being recorded. And you say something, something silly, for example, and suddenly everybody hears about that. So what happens, and it's interesting to look at the effects, I think, that actually parties become reluctant, uh, to move to a deal and keep basically very close to their original positions. So you're not moving forward. You're just reemphasizing the things you find important and talk a lot, but nothing gets done. I'm also interested to hear Bob's views on this, actually.

**Bob Bordone:** Yeah. I mean, Tim, I totally agree with you. And there's all this really interesting research on virtual negotiation. Even when you I mean, certainly the idea that we don't really know who's in the room, but even if we could assure that there's this research that people tend to be less trusting over ZOOM, people are less good at reading the emotional cues, even though they're looking at their face, right, because the level of pixilation is lower, there's a time delay. It's also easier to just dig in when we're not face to face and people do that. There's also research that there is a higher level of what's called a

"misattribution of intent". So we are more apt to over ZOOM or email assume that the other person's intentions were bad even if they weren't, and, you know, we probably all have experiences of you get that email from somebody and you're like, what is this, right, and then you start showing it to your friends, like, oh, yeah, I used to read a story into it, whereas if we were in person, I could tell from your facial cues and your tone and I could I could maybe ask you a follow up question. And I don't have the time to reflect on how terrible a person you are right, and so so these are really big challenges for all the ways in which technology, even today, is enabling the three of us to have this wonderful conversation that would have been much harder without it. As negotiators, we need to be really thoughtful about when do we really put in the time, energy and effort to see each other in person, to kind of build the relationship, to promote kind of trust, creativity. So I totally I'm totally with you.

**Tim Masselink:** And one thing, from my personal experience in facilitating negotiations in the last couple of months, especially with large groups, is something what strikes me as very fascinating, that people now tend to turn off the cameras or tend to turn off the microphones during negotiations when it's not their turn, for example. That's how they actually they go out for a cup of coffee. Maybe they are looking at their emails, I don't know, but you lose kind of the engagement from people in the process a little bit. So it's very easy to step out of a virtual negotiation much more than it would be then to step out of a room where you are sitting and someone is talking, you're kind of forced to listen to them. But with this with the little button we have now that you can just put our screens on black you miss kind of the engagement that the investment basically that people need to come to a deal.

**Bob Bordone:** Absolutely. And it's funny because it's I have had the same experience. And even right now, I mean, our listeners don't know this, but I had some trouble with my camera today. So I have the benefit of looking at both of you. But neither of you have the benefit of looking at exactly what do you see,

**Interviewer:** We see a big "B", from "Bob"

**Bob Bordone:** but that's much harder for you, right? I'm getting this benefit. I mean, you just have to trust me, but I'm looking straight. trust is OK, let's try that. But I think another thing right. Even the most even the most well-intentioned negotiator in a big as you said, in a big space. When you're on that screen, emails are popping up. You know, texts are popping up right. In a way that is really different, if we were around a conference room and the phone goes in our pocket, you know, the dog isn't barking in the background. And these are real factors for sure.

**Interviewer:** I love to come with an example that I got from Charlie Green. He mentioned a quote from a Harvard Business Review article called "Competent Jerks, Lovable Fools and the Formation of Social

Networks". We all like lovable, competent person. But is there a way an incompetent, lovable person can achieve something in negotiations where a really competent jerk cannot?

**Bob Bordone:** Well, I'm going to say yes to that, but only because a few things, right? I mean, I get I'll be curious to hear Tim's thoughts. One is I'm somebody who believes that we all have different skill levels and abilities. So that is to say, even somebody who is low skilled, I would never quite call incompetent, they may or may not be the best at something, but in negotiation, there's so many skills that matter. How do you frame things? How do you prepare? As Tim was saying earlier, are you a good listener? What is your ability to be assertive effectively? What is your ability to be creative? I mean, those are just a few of the skills that really matter. And so certainly like what I'm coaching a client sometimes I'll be like, OK, this person, you know, this person is not the Serena Williams of negotiators, right? This person is not the best negotiator. On the other hand, I'm going to your point, Severin, if, right, they are kind of good willed and open I'm going to call that lovable, we have some things to work with. I could probably get them to improve in some domains that are meaningful and get some things done. So so I would never call anyone completely hopeless as a negotiator.

**Tim Masselink:** I think maybe incompetent goes too far. But I look at my daughters who are very lovable and maybe not extremely competent yet in some of the language, for example, because they are two and one, but they are extremely good negotiators when they negotiate with me. So, you know, this morning we had a negotiation, it's raining outside this morning in The Hague, and my daughter, two years old, she wants to go outside without a jacket. And we really have a negotiation on whether or not she should put on her jacket. And I just barely win that, you know, because she's very insistent and very lovable.

**Tim Masselink:** It's very difficult to negotiate

**Interviewer:** To her, you didn't seem too trustworthy, I guess.

**Interviewer:** Bob. I have a question to you. In an earlier interview, I heard you saying "anywhere there is more than one person, there is room for some conflict". Isn't that a very pessimistic view of life?

**Bob Bordone:** I love this question because you are you are doing something that, by the way, 99% percent of people would also do, which is presuming that conflict is bad. And I don't think conflict is necessarily bad. I think conflict, poorly handled, is bad, but I think whenever you're, I mean, have more than a single person in the room, actually, sometimes even when you are all by yourself, there could be conflict, right, because we have internal conflicts. But I think of conflict, there is a difference and difference in opinion, difference in preference, difference at how we should do something, and unless you have a literally



photocopy version of yourself, you have cloned yourself or you're with the most boring person in the world, right, there's going to be some differences. And so to me, it's so I think I will challenge you, Severin, is just the notion that the conflict is bad, right, I would be like, no, the conflict is what makes life interesting. It's what allows us to have different exchanges and preferences. Now, the question is, what are our skills and capabilities and courage to actually handle that well? And that's where things can go south, if we're if we're you know, if we're not kind of well-trained and competent in conflict aware

**Interviewer:** As we have only a very limited time, I would like to have one more subject that I like to present to you both. And that's about the difference between men and women. If we talk about the art of negotiating, I wondered whether there is a difference between men and women, because MIT Professor Susskind said in an interview with Harvard Daily Blog, and I quote, "women are more likely to be successful when they frame their pitch in reference to benefits to others rather than themselves". What do you think of that?

**Tim Masselink:** I think there's some research done, very interesting, also on, for example, men and women who apply for the same position and they're both acting assertive and they are being reviewed differently, the behaviours reviewed differently when men are displaying it or when women are displaying it. So just very short, if a man if a man asks for more money, for example, for more compensation, he's perceived as a strong or assertive or a good negotiator. And a women who asks for the same things can sometimes be perceived as unfriendly or maybe even a little bit rude and she's making a problem. So that is not, I would say, a problem of women, but the problem of the whole system that we're in and this changes. And it's interesting in terms of your question, Severin, when a woman is not negotiating on their own behalf, but as a representative of a group, for example, or family, that that effect completely disappears. So then she suddenly is being perceived as a good negotiator. However, I think still there is an issue that the behaviour has a different evaluation in men and women.

**Bob Bordone:** Yeah and I would just absolutely agree with Tim, right, with this dynamic that Tim is talking about, right, there's all this research on what's called gender backlash, and I think what Larry Susskind is really talking about there is it's really an unfortunate piece of strategic advice to women, right? When I say unfortunate, it is unfortunate that in order to be able to achieve their goals, they have to reframe them in collective terms instead of individualistic terms. So the real goal, right, would be to kind of change the kind of systemic biases and cultural kind of cultural norms that are causing this gender backlash. But what Susskind is really advising there is in the meantime, yeah exactly, you know, if you frame things as it would be really great to get this resource for our team, it would support all the work we do. That lands better than I need another job, I need another person on my team, if that makes sense.

**Interviewer:** Yeah, well, I have the feel Bob and Tim that we only scratched the surface of the subject on negotiations, there is so much, I guess we could we could still talk about, we have to, however, given the time, leave it with this. I, very appreciative of you being available. It was a very interesting interview, I think. And thank you very much for your insights and wish you both well in your profession and personal life.

**Tim Masselink:** Thank you, Severin.

**Bob Bordone:** Thanks Severin. And as always, Tim, it's always fun. Always fun to chat with you as well. Yes.

**Tim Masselink:** Likewise.

**Bob Bordone:** Thanks for both of you.

**Tim Masselink:** So it was a pleasure. And thank you so much for asking us in your podcast, Severin.