

Congratulations!

Kathryn Munn has achieved Chartered Mediator status. This is Canada's only designation for practising general mediators. In the words of the ADR Institute of Canada, "It demonstrates your commitment to excellence in practice, it signals your considerable training and expertise and it communicates your value to people seeking well-qualified neutrals to assist with disputes."

Kudos, Kathryn!

More information on the C. Med. designation can be found at www.adrontario.ca

Munn-thly Memo ~ Will return next month.

but never charismatically understood. It can result in a life-long obsession for the destruction of the person who offended you across generations. We have no parallel for such depth of emotion and if we do we will never survive in North American business. Asians often expect the same from us. Ultimately though, for them as well as for us, "losing face is better than losing shirt".

KM: What are examples of techniques that you or they used when negotiations were at an impasse?

RK: Walk away. Explain why their position is not a principled one. Point out what they are doing and object to it. Set a deadline for the day that you will leave and don't deviate from it for any reason whatsoever. Get professional financial and legal advice. There are not absolute prescriptions or proscriptions under Chinese law. There is a legal way to get anything you want. They have government trained negotiators who seem to use every one of the dirty tricks of the "hard bargainer" such as yelling and shouting; good cop / bad cop; having you face the sunlight; and floating trial balloons. Recognize it and deal with it. Tell them it's unproductive and making you uncomfortable. Be prepared to walk away. Don't fall in love with the deal. And after the job is booked, be fully committed. When a problem comes up later, for example a violation of the contract terms that is not their fault, in Asia they will work on the problem to figure out what's the best we can do here. They do not go back to the contract and look for loopholes as we tend to do in North America. There is less tendency to immediately end up in court and they are prepared to make compromises to accomplish this.

KM: What advice do you have for negotiators when there are large cultural and language differences?

RK: Focus on the problems and do not allow things to be personal. The value of the relationships is immeasurable. I spend a lot of time with customers before and even more after the job is booked. I continue to spend time with customers after the job

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- Rudi Kroeker

is done and even after they have finished their career with the company. When one of my contacts retires I jump on the next plane and take him out to dinner. Now that he has more time, I spend time with him.

You must have advisers who are charismatically competent in both cultures.

Your interpreter must be of adequate rank to feel free to change the nuance of what you are saying as appropriate in the circumstance or even to say "it's time to leave now".

Do the negotiating yourself.

After the first deal you're never going to negotiate with them again in the same way. The next time when you're invited to the table, you would not be there if they did not want you and your former adversaries are now your advocates. It's like the way I see a kabuki dance: beautiful, impossible to understand, and not necessary to understand to get to the result.

Mark Your Calendar

Upcoming Training Events
Presented by Kathryn Munn

Fundamentals of Mediation

Full 40 hour program

Fanshawe College

Part 1 - April 18 & 19, 2002

Part 2 - May 30 & 31, 2002

Part 3 - June 20 & 21, 2002

Call 519-245-3900 ext. 120 for more information and registration.

Continuum of Choices for ADR

May 3, 2002

Call 519-452-4443 for more information and registration.

Dealing with Difficult People

IAPA (Industrial Accident Prevention Association)

National Conference

at Metro Convention Centre, Toronto

April 24, 2002

Call 1-800-669-4939 or 416-506-8692 for more information and registration.

I am pleased to fill requests for presentations about mediation and negotiation at meetings of professional and business groups. Call or e-mail to make the arrangements.

Electronic Common Ground

If you prefer to be on our e-mailing list please send us an e-mail.

Kathryn Munn, LL.B., C.R.C., C.Med. is a mediator, arbitrator and lawyer. Through her firm Munn Conflict Resolution Services she works exclusively in alternate dispute resolution from a base in London, Ontario, Canada. She is a Roster Mediator, Ontario Mandatory Mediation Program - Toronto / Ottawa, a mediator under contract for the Farm Debt Mediation Service of Canada and for government departments.

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