



## LAND MOBILITY TRAINING COURSE

Connecting landowners and farmers across Europe



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## Introduction

All workplaces will see conflict at some point or another, whether because of a disagreement in working styles, differing opinions. Workplaces are a melting pot of different backgrounds, knowledge, experience and styles and it is inevitable that some will clash. Personal beliefs can also play a role as they are more particular to each person and they are thus more unlikely to budge on their stance as it is something they strongly believe in. In common workplaces the likelihood of conflict is higher as there is a high number of employees and thus a more diverse nature.

During Land Mobility services, during the negotiating stage, the conflict will most likely be restricted between the land owner and the renter. As such the broker will have to focus solely on these two individuals, understand their reasons and stances and help them reach a compromise. In theory, this should be easier as there are only two parties involved.

## Reasons for conflict

For the broker to be able to manage the conflict between two parties he must first understand each side's issues. Each party will have some non-negotiable terms, areas which they may be willing to compromise on, and areas which they may be indifferent towards. Each situation will depend on the person themselves and their unique needs and wants but there are some issues which have been found common in agricultural land rental negotiations.

*On the land owner's side:*

- Emotional attachment

Land owners can be very emotionally attached to their property as they have most probably put in a lot of time, effort, and resources to take care of their land and maintain it in a usable state. As such the price at which they are willing to rent the land may be increased due to its emotional value to the owner.

- Risk of not renewing

One drawback land owners may have in renting their land is the risk of the rental contract being either too short or not renewed. This will result in the owner continuously searching for new tenants and going through the negotiating process all over which can be quite tedious. As such, land owners are more inclined towards renters who can provide them security through a long-term rental contract.

- Stewardship principles

Both the land owner as well as the lessee usually have their own views on sustainability, stewardship, and ecological principles. The land owner may have certain rules in regards to how their farmland is to be used and how it is managed. As such, owners may straight out refuse to work with individuals who have differing perspectives or at least will be more inclined to provide a contract to those who share the same views as them. The lessee should bring in a business/ management plan to the meetings so that this topic can be broached and discussed from the start as to avoid any future conflict

## The Thomas-Kilmann Instrument

### Introduction

The TKI Assessment Tool was developed by Dr. Kenneth W. Thomas and Dr. Ralph H. Kilmann as a means for mediators, negotiators, and individuals working in the human resources department to better understand the individuals they're working with and their approach to the conflict at hand. In order for one to solve the conflict they are presented with they must first understand the individuals they are working with. This stands valid for both the neutral party as well as the conflicting parties to better understand themselves.

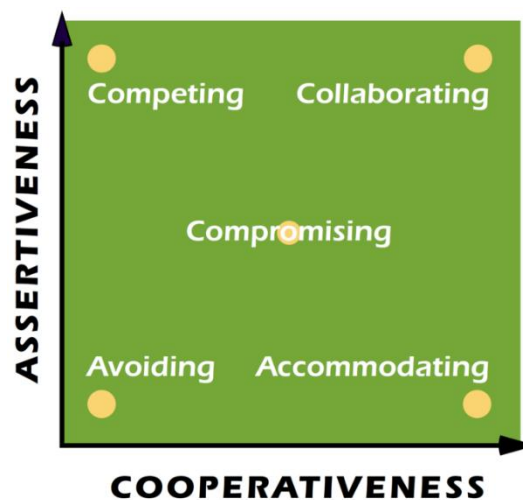
The TKI Assessment Tool human behaviour into two categories:

- a) Assertiveness: the individual is only/primarily concerned with achieving their own goals; or
- b) Cooperativeness: the individual is only/primarily concerned to satisfy the opposing party

The two behaviours can be seen as the two opposing sides of the spectrum as one is unwilling to compromise therefore delaying a resolution, while the other is fully willing, ultimately not solving their own problems and potentially creating new ones by complying with all of the opposing party's terms.

### The Five Approaches

Using these two primary behaviours the TKI instrument has then divided the approaches individuals take to conflict into five different categories, depending on the level of assertiveness and cooperativeness they have. This is not to say that each individual has a single approach. Everyone is capable of undertaking any of the following five approaches, however, some might come easier than others and a result there will be



a tendency to rely on the approach that is most comfortable to them.

The five approaches will be explained from the most assertive to the least.

#### Competing

The most assertive and least cooperative of the five, this approach is used by individuals who aim to achieve their goals no matter what the cost to the other party. To ensure their success, competing

individuals have a tendency to make use of any means which will put them in a position of power and force the other party into conceding. This can mean using their potential higher rank or position in the situation, imposing economic sanctions, or simply using their argumentative skills.

For example, land owners are aware that their land might be best suited for the farmer's business and thus is the farmer's best option and as such might raise the rental price to make bigger profit. On the other hand, farmers might know that the land owners are desperate to find someone to take over their land and their options are limited and might ask for a lower rent. This all depends on each party's individual situation.

### Collaborating

Individuals with a collaborating management style will usually be a mix of assertiveness and cooperativeness, aiming for a resolution where both sides have won. Their cooperative nature will allow them to work with the other party in order to better understand their needs and find a satisfactory solution for them both whereas their assertive nature will ensure that they will still hold their own needs in high importance and prevent them from making any compromises which might be disadvantageous to their business.

The disadvantages of such an approach are that it can be quite time consuming and lengthy to maintain discussions in order to ensure that both sides are happy, whether both parties are collaborative or only one is.

However, for Land Mobility brokers and participants, the collaborative style might be fighting as it will maintain a good business relationship long-term given that both parties reach their goals.

### Compromising

Whereas the other four styles are more targeted towards conflicting parties, the compromising approach is best suited for the broker/mediator themselves. A perfect middle, individuals falling in this category are neither too assertive nor too accommodating, they are not on the extreme end of the collaborating nor completely opposed to it. As such 'compromising' individuals will look to find a solution that appeals to both or all conflicting parties.

This approach will ensure that each party is heard, and their needs and motivations are understood not only by the mediator of the group but also the opposing party. Individuals are more likely to cooperate if they feel they are being heard and understood. In order to empathise with other people we must first understand the reasons behind their actions.

Individuals undertaking the compromising approach are mainly focused on finding a solution which will break the conflict between the parties and bring them to friendly terms.

### Avoiding

Individuals with an avoiding management style, as the name suggest, have a tendency to ignore the issue until it resolves itself, delaying taking action until it calls for attention in the future or simply refusing to acknowledge it. Such an approach can be fitting for individuals who do not do well under pressure and are unable to instantaneously think about the implications and consequences and make a decision.

Delaying the issue will provide them with ample time to assess their available options, the benefits and disadvantages of each and decide which one will best achieve their goal.

There are, however, a number of situations where taking an avoidance approach is most fitting. Land rental can be emotionally challenging as land owners may have a very strong attachment to their land. Often the land in question has been in the family for generations and the land owner themselves invested a lot of time, effort and resources into ensure the land is cultivable. This emotional attachment may push the landowner to demand a higher price.

The avoidance strategy can be useful in situations where emotions are at an all time high and participants are more likely to make decisions based on their emotions rather than their rational thoughts. Due to the personal nature of land negotiations, avoidance management can be useful in terms of providing the participants with sufficient time to assess the offers they have been presented with.

### Accommodating

Individuals with this conflict reaction have a tendency to prioritise the other party's needs and compromise on their own in order to reach a quick resolution. They are usually unassertive and as such end up giving in to the other party's demands, leaving their needs unmet. In certain situations, the accommodating approach can be beneficial and time-efficient when concerning small issues which can be quickly solved and have no major impact on the business or the individuals themselves. This approach can also help the other party be more open with their needs as they are aware the other person will usually give in and concede to their demands. On the down side, many can see this as an opportunity to take advantage of the accommodating individual and demand more than they originally planned as they are likely to achieve it.

For example, when setting up a collaborative farming arrangement where each party is responsible and in charge of bringing in certain resources, the farmer may demand that the landowner contribute with more resources than would be considered fair, ultimately the supply outweighing the landowner's profit.

## The basics of conflict management

Though the following principles of negotiation apply to the conflicting parties and not the mediator themselves, it is important for the mediator to be aware of them and encourage the parties to follow these rules as to ensure an efficient and successful negotiation.

### Separating the person from the problem

More often than not, especially during situations where the conflict is prolonged, individuals tend to equate the issue at hand with the individual representing the opposing party or take their position personally rather than professionally. It is important for all participants to maintain a business perspective and not take personal offense on comments made by the opposing party.

To find a solution in an efficient and timely manner, the best option would be for the two parties to work together in finding a compromise where both are content with the situation at hand. Remaining cordial

and polite with the opposing conflict and serve well for a good future working relationship. It is imperative that individuals focus on the issue at hand and not on the person on the opposite side of the table.

To start with, individuals must first identify what sparked the conflict and how the situation is perceived by the opposing party. This will go a long way when discussing potential solutions. Understanding everyone's perspective will also provide better understanding of why their position is important to them. It will also make the other party feel heard and more opening to listening and understanding you back. As previously mentioned, the best approach is for both parties to work together instead of against each other and as such both must feel heard and understood by the other side.

Negotiations surround land rental can become quite intense as there usually is an emotional attachment from the landowner's side. After all, they have dedicated time and resources into maintaining the land and ensuring its arability, especially if the land has been in the family for generations. This brings about the risk of making decisions motivated by emotion rather than logic. Emotions can become a very sturdy barrier during the negotiation process and some individuals can be blinded by emotion and reject potential solutions which may work in their favour. This can prolong the process and also sour their (potential) relationship with the other side as they can become frustrated in trying to find a solution that will appeal to the other party's emotional side. As such, it is important that the individuals involved make an attempt to understand and acknowledge the other party's emotions instead of dismissing them as they do not align with their interest. Respect is an essential component of negotiations and whether you agree or not with the arguments made by the opposing side it is important to address them respectfully.

As highlighted, it is important to have a good working relationship between the landowner and farmer and one of the most important aspects of a relationship is communication, especially during testing times. Listening and acknowledging each other's concerns is imperative in ensuring that you have a good understanding of what the other individual holds important and what they are worried about. During a conflict, to make sure that you properly understood the message the other party is trying to convey listen to what they are saying, acknowledge their message and paraphrasing it in the manner you have understood it to ensure that you are both on the same page. It is important to note that paraphrasing does not mean you agree with the statement but it is more of a reassurance that you have correctly understood the other party's view on the topic at hand.

As a last note, being a good listener also entails allowing the other party to speak and finish their point before saying your piece. Though you may disagree with what they are saying and you might feel strongly against it is important to listen until the end otherwise you risk jumping to conclusions and also upsetting the party causing a further delay in finding a compromise.

### Open-ended questions vs Yes or No

During the negotiation process it is better to use open-ended questions rather than yes or no ones as it provides you with an opportunity to gain more information from the opposing party on their motives and reasoning behind their position. As mentioned throughout this module one of the most important aspects of conflict management is understanding each other's emotions and perception on the topic at hand. By asking closed ended questions you are focusing on your own understanding of how the other party views

the situation rather than giving them a chance to further explain why they feel strongly about the conflict. Asking them to further describe something in detail and elaborate on certain areas can provide you with new information and potentially a new perspective as you might learn something new and gain a better understanding of the individual across the table. There are different types of questions which can be posed depending on the information you are aiming to obtain.

#### *Open-ended questions*

These are questions which cannot be simply answered with only yes or not but put the other party in a position where they are required to provide more detail. An example of such questions would be:

*'How did you choose this specific period of time for the rental?'*

*'What are you willing to contribute to this partnership?'*

#### *Leading questions*

These types of questions are phrased in a more persuasive manner in order to guide the opposing party to your position.

*'If we provide the following resources, will the terms provided be to your liking?'*

*'Given the rental period and the advantages my business bring, would you not agree this contract would be beneficial to both parties?'*

#### *Flattery questions*

Through these questions the individual can both compliment the other party and encourage them to provide more information. If individuals feel like their knowledge and expertise is acknowledged they are more likely to agree on a potential solution.

*'As you have X amount of years of experience in this field can you provide some ideas as to fixing this issue?'*

*'Given your expertise what do you believe will be the best way to handle X issue?'*

#### *Open opportunity questions*

Provide the other party with an opportunity to further elaborate on their wants and needs.

*'How do you feel about this option?'*

*'Given the circumstances, what solutions do you see fit?'*

#### *Emotional thermometer*

If you feel that a particular topic is eliciting an emotional response from the other individual, questions under this category are appropriate to provide an opportunity for the individual to elaborate on their feelings regarding the topic. As mentioned before, emotions can become a barrier in finding a solution and they must be dealt with swiftly and accordingly.

*'How do you feel regarding this aspect of the contract?'*



### Questions to be avoided

Though questions can be very useful in conflict management as it provides both the parties as well as the mediator with an opportunity to get to the core of the issue and better understand each other's feelings, their primary function is for the participants to gather more information on each other. As such, questions which are asked in an aggressive manner or are emotionally fuelled and serve no purpose in elaborating on the issue at hand should be avoided. Such questions only serve to derail the management process and risk putting the opposing party in a defensive position, shifting the focus from solving the issue to defending one's position. Avoid asking questions which can be perceived as threatening or provoking such as:

'Am I expected to agree to such terms?'

'Are you going to accept our conditions or will we have to end this business arrangement here?'

It is important to maintain your composure and aim to work together with the other party rather than forcing pressuring them into an agreement which is only beneficial to one party and may lead to future conflicts.

### Interest vs position

When negotiating it is important for both the mediator as well as the parties to understand the difference between a party's position and their interest as they are not the same.

A party's position is the demands or wants that are expressed during the negotiation process whereas interest that the reasons behind the demands, the end goal that each party aims to achieve. For example, a landowner might demand for a lengthy contract between himself and the farmer. However, the likely reason behind that is not that he wishes to work with that specific farmer for as long as possible but rather, the longer the period of time for the contract the more security the landowner has that his land will be used and he will not lose any money on it. Shorter contracts mean that landowners must once again go through the process of finding a suitable tenant and that can be quite time-consuming and result in the landowner losing profit during the searching period. Thus, from this example we can derive that the landowner's position is a long contract and his interest is ensured constant use of the land. Should the farmer, for some reason, not want a long-term contract he can provide an alternative to it that would still appeal to the landowner's need to ensure his land does not go unused. Similarly to apartment rentals, the tenant may terminate the contract early in cases where he has found a replacement as to not incur any losses for the landlord.

Therefore, whereas a party's interests remain unchanged, the position can be negotiated.

***Position = a person's demands***

***Interests = the goal aimed to be achieved through the position***

It is important to understand the difference between the two as more often than not the negotiating parties' positions may be opposing but there may be common interests which can be used to come to an agreement. Position-focused negotiations complicate and prolong the process as the real interests may

not be achieved leaving one or more parties dissatisfied. It is up to the negotiator to ensure that the interests are discussed as to help achieve a win-win situation.

### Using “I” instead of “You”

During negotiations it is important to avoid any phrasing that might come off as offensive or accusatory to the other party. By phrasing your arguments with statements such as ‘I believe’ or ‘we feel’ you are maintaining the focus on yourself as it is challenging for the other party to argue against your personal beliefs. Statements such as ‘you have said’ or ‘you did’ can come off as blame-shifting and presumptuous of their intentions and can be upsetting. This will only cause a rift between the two parties and they can become defensive further diminishing the communication between the two. This can also pose a risk in shifting the focus of the negotiation from the problem at hand to each side defending their position rather than working together to find a solution.