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Conflict Management in Real Estate Development: Brazilian Case

Ву:

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Abstract

This case study examines a complex negotiation in the real estate sector, where a developer successfully acquired a strategic plot of land from three distinct landowners. Through a comprehensive analysis of the negotiation process, this research highlights the importance of identifying zones of possible agreement and best alternatives to a negotiated agreement (BATNA). The study demonstrates how creative deal structuring and effective communication can facilitate mutually beneficial agreements in complex negotiations. By applying theoretical frameworks from negotiation and conflict management, this research provides insights into the strategic decisions that underpinned the successful conclusion of the deal. The findings offer valuable lessons for practitioners and scholars seeking to navigate similar complex negotiations in the real estate sector and beyond.

Keywords

Type III negotiation; Real Estate negotiation; Brazil.

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1. INTRODUCTION

The real estate sector is characterized by complex negotiations that require a deep understanding of market dynamics, stakeholder interests, and strategic deal-making (Katz & Krueger, 2016; Lax & Sebenius, 2006). In this context, negotiation and conflict management skills are essential for developers, investors, and other industry professionals seeking to unlock value and achieve successful outcomes (Fisher et al., 2011; Shell, 2006). This case study explores a multifaceted negotiation involving the acquisition of a strategic plot of land, highlighting the challenges, opportunities, and lessons learned from this experience (Sebenius, 2013), through a Type II negotiation, including two parties and several issues negotiated, following Dias (2020). By examining the negotiation process and strategies employed, this study aims to provide insights into the intricacies of real estate negotiations and the importance of effective conflict management in achieving successful outcomes (Malhotra & Bazerman, 2008).

Salacuse (2003, p. 11) argued that "negotiation is a process of communication by which two or more parties seek to advance their interests or those of the persons they represent through an agreement on the desired future action." Over the past few decades, considerable academic work has been conducted on this idea. Many studies have looked into its details (Dias, 2023; Dias, 2023a; Dias, 2023b; Dias et al., 2023; Fisher, Ury & Patton, 1981; Kissinger, 1969; Lax & Sebenius, 1986; Navarro & Dias, 2024; Pruitt, 1981; Raiffa, Richardson & Metcalfe, 2002; Rubin & Brown, 1975; Santos & Dias, 2024). Negotiation has been studied regarding different perspectives, such as negotiation process and fundamentals (Acuff, 1993; Dias & Aylmer, 2019; Salacuse, 2003, 2006; Shell, 2006), Trust (Dias, 2018; Dias, 2016; Dias & Navarro, 2020). Including government projects (Dias, 2019; Dias, 2020a; Dias, 2020b); social integration features (Cohen, 2007; Druckman, 1997; Moore and Woodrow, 2010; Neale & Northcraft, 1991; Patton, 2012; Thompson, 2001), M&A negotiations (Vidaletti, Ferreira, & Dias, 2025), real estate negotiations (Soliva & Dias, 2025), family business negotiations (Moura & Dias, 2025), decision-making process (Bazerman & Moore, 1994), IT contract negotiations (Valle, Trindade & Dias, 2025; Delgado & Dias, 2025), civil works negotiations (Dias, Toledo, Silva, Santos et al., 2022; Dias, Pires et al., 2022; Dias, Almeida, Silva, Russo, et al., 2022; Scheuer & Dias, 2025; Smejoff, Zornitta & Dias, 2025), streaming video negotiations (Gasparini, Vieira & Dias, 2025), negotiation as social interaction (Dias, 2016; Schatzki & Coffey, 1981), and retail business negotiations (Dias, 2023; Dias, Lafraia, Schmitz et al., 2024; Dias, Leitão, Batista & Medeiros, 2022; Dias, Pereira, Teles & Lafraia, 2023; Dias, Pereira, Vieira, et al., 2023; Dias, Toledo, Silva, et al., 2022; Santos & Dias, 2024; Valente & Dias, 2023). In this situation, the parties were engaged in a Type III negotiation (Dias, 2020), and we utilized the Four Type Negotiation Matrix (Dias, 2020) to categorize the type of negotiation, as illustrated in Figure 1.



Figure 1 The Four-Type Negotiation Matrix Source: Dias, 2020. Reprinted under permission.

In summary, this work reports a negotiation that took place in the context of the real estate market, in the city of Florianópolis, southern Brazil, involving the acquisition of a strategic area of 3,793 m² for the implementation of a residential development with 228 housing units, a built area of 24,000 m² and an estimated Gross Sales Value (GSV) of R\$ 123 million (approximately \$ 20 million). All parties had their names and company identities omitted in this article, due to ethical and compliance reasons.

2. METHODOLOGY

This research employs a descriptive case study, specifically a descriptive case study design, to examine a complex real estate transaction involving multiple participants with diverse interests. Yin (2004) states that a case study is an empirical investigation that examines a current event in its real-life setting, particularly when the boundaries between the event and the setting are not clear. A single instance of negotiation is the unit of analysis in this study. This aligns with Yin's description of a holistic case study, which involves examining the negotiation process within its unique context to understand how it operates and how it becomes complicated.

The research employs an inductive method, which means that the analysis is grounded in the data collected from the case. The negotiation process was analyzed through interpretive viewpoint and how people perceive it (Stake, 1995). This method allowed us to examine closely how negotiations work, including how to identify common interests, develop shared solutions, and resolve disagreements. Because this study is interpretative, the researcher may gain insight into the challenges of negotiation and the strategies employed by the parties to reach a mutually beneficial agreement. This study aims to help people understand how negotiations work in real estate and other areas by examining this example closely.

3. NEGOTIATION SCENARIO

The negotiated area is situated at the junction of two streets, a highly valued region within the Metropolitan Florianópolis (Mainland) region, boasting high growth potential, easy access to roads, and well-established urban infrastructure. The area was composed of three different registrations, belonging to three different exchangers, each with its profile, expectations, and preferred forms of receipt. The project in question foresees the construction of 228 housing units with an average ticket price of R\$542,000 (nearly \$100,000), resulting in an estimated project value of R\$123 million (approximately \$20 million). Preliminary studies suggest a potential annual appreciation of around 20%, considering the location's profile and the target consumer market.

4. CHALLENGES

However, from the outset, it was evident that this was not a straightforward negotiation. The main challenges were: (a) Different interests between the three owners; (b) Technical and financial complexity to keep the acquisition cost below 5% of PSV; (c) The need to build trust between the parties and build a joint agreement; (d) The harmonization of expectations regarding the payment format.

5. NEGOTIATION PROCESS

The negotiation involved three exchangers or landowners who had distinct interests and options for the sale of their land. The exchangers were interested in closing the deal with the best possible cost performance. **Options:** Exchanger 1 preferred a 100% payment in cash, while Exchanger 2 sought a payment structure of 50% in cash and 50% in exchanges. In contrast, Exchanger 3 desired a 100% payment in exchanges. The Zone of Possible Agreement (ZOPA) for the exchangers ranged from R\$5,560,000.00 (approximately \$1,000,000) to R\$8,970,000.00 (approximately \$1,495,000). If an agreement could not be reached, the exchangers' alternative was to negotiate with another competing construction company.

On the other hand, the Construction Company or developer aimed to close the area with a favorable exchange to minimize the impact on cash flow, capping the exchange at up to 6% of the General Sales Value (GSV). The developer considered various options, including a payment of 100% in exchanges equivalent to 13 units, a combination of R\$3,170,000.00 (approximately \$ 528,334) in cash plus five units, or two units plus R\$5,000,000.00, with a down payment of R\$1,000,000.00 (approximately \$178,572) and the remainder in 24 installments. The developer's ZOPA ranged from R\$6,150,000.00 (approximately \$1,025,000) to R\$7,380,000.00 (approximately \$1,230,000). If negotiations failed, the developer's alternative was to exchange directly with the owners on an individual basis.

6. CONDITIONS AND STRATEGIES BEFORE FINALIZING THE NEGOTIATION

The exchangers or landowners had distinct interests and options for selling their land. Their primary interest was to close the area with the best possible cost performance. Exchanger 1 preferred a 100% payment in cash, while Exchanger 2 sought a payment structure of 50% in cash and 50% in exchanges. In contrast, Exchanger 3 desired a 100% payment in exchanges. The Zone of Possible Agreement (ZOPA) for the exchangers ranged from R\$5,560,000.00 to R\$8,970,000.00. If an agreement could not be reached, the exchangers' alternative was to negotiate with another competing construction company.

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7. APPLICATION OF NEGOTIATION CONCEPTS

The negotiation involved the application of key concepts, starting with the identification of the Best Alternative to a Negotiated Agreement (BATNA) for both parties. The exchangers' BATNA was to seek proposals from other construction companies, although this would result in less synergy with the land. The construction company's BATNA was to acquire the land separately, but this would come with a higher cost and a longer approval period.

The ZOPA was also crucial in determining the feasibility of a strategic agreement. For the exchangers, the ZOPA ranged from R\$5,560,000.00(approximately \$1,025,000) to R\$8,970,000.00 (approximately \$1,495,000), while for the construction company, it ranged from R\$6,150,000.00 (approximately \$1,025,000) to R\$7,380,000.00 (approximately \$1,230,000). The overlap between the two ZOPAs demonstrated that a mutually beneficial agreement was possible. Hybrid solutions were proposed to meet the interests of both parties. These options included offering four units in exchange for an investor profile, three units plus R\$1.6 million (approximately \$666,667) in eight installments, and R\$550,000 (approximately \$100,000) in cash for immediate liquidity. The final proposal accepted had a total value of R\$5,944,000.00(approximately \$990,667). The distribution was as follows: Exchanger 1 received four units, Exchanger 2 received three units plus R\$1,600,000.00 (approximately \$266,667) in eight installments, and Exchanger 3 received R\$550,000.00 (approximately \$100,000) in cash. This agreement was strategically positioned within the common ZOPA, meeting the objectives of both parties.

8. IMPLICATIONS AND DISCUSSION

The case provided a deep and comprehensive understanding of the strategic dynamics involved in conflicts of interest, efficient communication, the construction of joint solutions, the analysis of alternatives, the identification of hidden interests, and the emotional management of those involved. The case is a multifaceted negotiation with three parties (exchangers). Who owns contiguous land? The negotiation involved cash payments, exchanges in future units, and installments, requiring the ability to structure a viable proposal that would meet the interests of all parties involved, without compromising the project's viability. The negotiation was successfully concluded, but it also left important lessons that are discussed in light of the concepts worked on in the article. The implications of this case highlight the importance of strategic negotiation and conflict management in complex real estate transactions (Katz & Krueger, 2016; Lax & Sebenius, 2006). By examining the negotiation process and strategies employed, this study provides insights into the intricacies of real estate negotiations and the importance of effective conflict management in achieving successful outcomes (Fisher, Ury, & Patton, 1981; Malhotra & Bazerman, 2008).

The application of theoretical frameworks from negotiation and conflict management, such as the ZOPA and BATNA (Fisher, Ury, & Patton, 1981; Lax & Sebenius, 1986), played an essential role in facilitating a mutually beneficial agreement. The identification of ZOPA and BATNA allowed the parties to understand their limits and alternatives, enabling them to structure a creative deal that met their interests (Sebenius, 2013). The findings of this study have implications for practitioners and scholars in the field of negotiation and conflict management, emphasizing the need for a deep understanding of negotiation concepts and frameworks (Dias, 2020; Lax & Sebenius, 1986), combined with effective communication and creative deal structuring (Shell, 2006), to achieve successful outcomes in complex real estate transactions. This case may be helpful to scholars, practitioners, decision-makers, and managers, with implications extending to other broad areas of research, including business and retail negotiations (Dias, 2020a; Dias, 2020b; Dias, 2020c; Dias, 2021; Dias & Aylmer, 2018; Dias & Lopes, 2020; Dias & Lopes, 2021; Dias & Navarro, 2020; Dias & Silva, 2021; Dias, Andrade, Sotoriva, et al., 2021; Dias, Duzert & Lopes, 2021; Dias, Lopes & Duzert, 2020; Dias, Lopes & Teles, 2020; Dias, Lopes, Cavalcanti & Golfetto, 2020; Dias, Netto, Oliveira et al., 2021; Dias, Waltz & Oliveira, 2021; Sartori et al., 2020), as well as informing strategies in diverse contexts, given the strategic importance of understanding negotiation dynamics (Lax & Sebenius, 2006; Malhotra & Bazerman, 2008).

Finally, the implications of this study ultimately are significant for several reasons. Firstly, it is aligned with current epistemology supporting the importance of understanding the interests and priorities of all parties involved in a negotiation (Dias & Craveiro, 2019; Dias, Lafraia, Schmitz et al., 2024; Salacuse, 2003; Sebenius, 2013). Secondly, it emphasizes the importance of effective communication and creative deal structuring in achieving successful outcomes (Dias, 2019; Dias, Leitão, Batista & Medeiros, 2022; Shell, 2006). Finally, it shows that the application of negotiation concepts and frameworks can facilitate mutually beneficial agreements in complex transactions (Dias, 2020; Dias & Teles, 2019; Soliva & Dias, 2025).

10. RESEARCH LIMITATIONS

This study has due limitations. Firstly, the findings are limited to the Brazilian real estate context and may not be applicable to other countries or industries due to differences in laws, regulations, and market conditions (Brazilian Civil Code, 2002; Brazilian Real Estate Law, 1979). Moreover, given that the study is centered on a particular type of negotiation (Type II), it may not fully encompass the complexities inherent in other negotiation types, as noted by Dias (2020). Additionally, alterations in Brazilian real estate laws and regulations—specifically those concerning property rights, zoning, or taxation—could affect somehow the findings over time. Future research should take these limitations into account and strive to expand upon this study's results in diverse contexts.

11. CONCLUSION

The analyzed negotiation demonstrates the applicability of the concepts learned in Negotiation and Conflict Management. The clarity on BATNA, the construction of a viable ZOPA, the presentation of the options, and the strategic management of the alternatives were decisive for the success of the agreement. This case reinforces that negotiation is both technical and human; it requires preparation, listening, creativity, and mutual respect. The knowledge acquired in the course was fundamental to transform a scenario of divergent interests into an advantageous agreement for all involved.

In addition, it was clear that negotiation based on principles, and not just on bargaining, generates more trust between the parties. The willingness to understand the objectives of each Family (Exchanger) contributed to building a solution adjusted to the reality of all, respecting their preferences for liquidity or future assets. In summary, the negotiation result would have applied even more visual validation strategies (such as comparative charts, value maps, and graphical projections), which would make it easier to understand and convince. It would also have deepened the analysis of the communication profile of those involved, further adapting the language and approach to each one. Finally, we understand that a successful negotiation is not about a good contract, but about the quality of the journey to closing. How the parties feel during the process is as relevant as the final result, and this depends on the negotiator's ability to balance technique, sensitivity, and strategy.

12. FUTURE RESEARCH

There are some intriguing areas to be explored in future research, including how negotiation concepts can be applied in emerging industries, the impact of technology on negotiation processes, the development of training programs tailored for specific industries, the influence of culture on negotiation, and the relationship between negotiation, social responsibility, and sustainability. Investigating these topics could enhance our understanding of negotiation and improve skills across various sectors, benefiting many individuals and organizations.

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