

NEGOTIATING TACTICS WHEN DEALING WITH DIFFICULT PEOPLE

Some Standard Tactics You Can Use

Don't confuse getting even with getting what you want!

It takes two to tangle.

Effective negotiators listen far more than they talk. And they observe.

Put on your radar, not your armour.

Go to the balcony, but keep your eye on the prize.

Don't get mad, don't get even, get what you want!

Tit-for-tat response is a recipe for stalemate.

People derive genuine satisfaction from voicing their feelings and resentments.

They need to know that you have heard what they have said. So reflect back what you hear.

One of the most powerful and surprising ways to acknowledge the other side's point is to preempt it.

Acknowledge their feelings.

Don't say either/or, say both/and

Don't say "but", say "yes...and"

Say "I" not "you"

Ask: "why not?"

Ask "What if?"

Ask for their advice

Ask "What makes that fair?"

Ask open-ended questions: "how", "why", "why not", "What", "who". Not "is", "isn't", "can" or "can't".

Ask reality-testing questions. "What do *you* think will happen if we don't agree? "What do *you* think *I* should do?" "What do you think *we* will do?" "What will *you* do?"

Reframe from "you" and "me" to "we".

Warn, don't threaten.

What if they won't play?

Focus their attention on the need for a solution, on the merits. "We can't go on like this. Work/output is suffering. Focus attention on a wider, shared interest or goal. "This affects all of us".

Don't criticise their position. It will only make them dig in.

If you push too hard, they will tend to push back to defend themselves.

Rejecting their position locks *them* in. Defending yours locks *you* in.

Do not push back. When they assert their position, don't reject them. When they attack your ideas, don't defend them. When they attack, don't counterattack. Don't react. Sidestep the attack and deflect it against the problem.

Don't attack their position: look behind it. Treat their position as an option. Objectively examine how it will meet your joint interests. "I see what you mean, but..."

Don't defend your ideas: invite criticism and advice. "How would you do?" "What do you think?"

Recast an attack on you as an attack on the problem. Listen to them. Let them let off steam, express their concerns. Show you understand what they are saying. Then, "what can we do to solve this?"

Ask questions and pause.

Statements generate resistance whereas questions generate answers. They offer no target to strike at, no position to attack. They do not criticise, they educate. They allow the other side to get their points across and let you understand them.

So, don't just give the right answer, ask the right question.

And tap the power of silence.

People tend to be uncomfortable with silence, particularly if they have doubts as to the merits of something they have said.

Silence often creates the impression of stalemate which the other side will feel impelled to break by answering your question or coming up with a new suggestion.

When you ask questions, pause. Don't let them off the hook by going right on with another question or some comment of your own.

Some of the most effective negotiation is done when you are *not* talking.

Some phrases...

"Please correct me if I am wrong, but..."

"Have I got this right?"

"Let me see if I understand what you are saying?"

"We appreciate what you've done for us"

"Our concern is fairness".

"It's the principle that we are interested in".

"One fair solution might be..."

"I have a problem I would like you to help me solve"

Dealing with Tricks

Basic Rules: Separate the people from the problem. Focus on interests not positions.

Recognise the tactic. Neutralise it by naming it.

Don't play their game. Name the game. Know your hot buttons, know theirs.

Expose tricks...ask clarifying questions. Make a reasonable request...ask questions to which you already know the answers. Change the game.

"We all have our aspirations": Reinterpret the stonewall as an aspiration. Or test it, or just ignore it. Deflect attacks

Restraint. Calm, calm. Buy time. Go to the balcony. Take time out.

Some common Tricky Tactics

Deliberate deception. Misrepresentation of the facts, eg. phoney facts, dubious intentions, Unless you have good reason to trust somebody, don't. But less than full disclosure is not the same as deception. Ask clarifying questions. Ask questions to which you already know the answer.

Psychological warfare

Stressful situations eg. environment of the negotiation, seating, power plays, like Elly with Whelan. You can always say you don't like the arrangements, suggest changing chairs, having a break. You can just move to a more comfortable position. Like with Whelan, stand up or move closer, or invite him to sit closer to you. Recognise the tactic. This will help nullify its effect. Bringing it up explicitly will probably prevent a recurrence.

Personal attacks: always puts you on the defensive if it gets to you. This can be a comment on your appearance, your politics, your status. It can be making you wait, or interrupting negotiations to take a call or to deal with other people. They can deliberately refuse to make eye contact. They can imply that you are ignorant. They can refuse to listen to you and make you repeat yourself. Again, recognise the tactic.. This will help nullify its effect. Bringing it up explicitly will probably prevent a recurrence. Neutralise the attack

Good-guy/bad guy routines. If you recognise it, you won't be taken in. When the good guy makes his pitch, ask him the same question you asked the bad guy. "I know you are trying to be reasonable, but why is this fair? What is your principle?"

Threats. Easy to make. Much easier than an offer. Can lead to escalation. *Warnings* are much more legitimate than threats and are not vulnerable to counter-threats. And you don't have to carry them out.

For threats to be effective, they must be credibly communicated. You can interfere with the communication process. You can ignore threats. You can take them as unauthorised, spoken in haste, or simply irrelevant. You can also make it risky to communicate them or turn them to your advantage.

Positional Pressure tactics designed to structure the situation so that only one side can effectively make concessions.

Refusal to negotiate. Recognise it. Talk about it. Don't attack the refusal but find out why. Suggest options. Ask the right questions.

Extreme demands. Ask why? It undermines their credibility. You might think they are not worth bothering with. Ask for principled justification until it looks ridiculous even to them.

Escalating demands. He is trying to rush you, to make you agree quickly before he raises his demands further. Name the game. Suggest a short break whilst you consider whether or not you want to go on with the negotiation. Insist on principle.

Lock-in Tactics. They make a commitment to their constituency. Designed to make it impossible to yield. Could be a bluff. Call it if you can.
Resist on principle: "I never yield to pressure, only to reason". Avoid making their commitment a central question. De-emphasise it so that the other side can more gracefully back down.

Hardhearted Partner. "I'd love to agree but my partner would absolutely refuse". Recognise the tactic. Ask to talk to the hardhearted partner.

Calculated Delay. Waiting for the right time, until time has run out. Down to the wire, leaving you with no room to move. Psychological pressure. If there are objective circumstances, you can turn the tactic against them, create a fading opportunity.

"Take it or leave it". If you use it, phrase it more politely. If you use it against you, you could try ignoring it at first. Keep talking as if you didn't hear it, or change the subject, perhaps by introducing other solutions. If you name it, let them know what they have to lose if no agreement is reached, and look for a face-saving way, such as a change of circumstances, for them to get out of the situation.

Don't be a victim. Be prepared to fight dirty bargaining tactics. Be just as firm as they can, only firmer. It is easier to defend principle than an illegitimate tactic.

Don't corner. Leave an exit open.

Cooperative Solutions

Understand the message as the other side hears it.

Consider the other side's choice. What is the primary decision those on the other side see themselves as facing?

How you see the world depends on where you sit. People tend to see what they want to see.

Don't deduce their intentions from your fears. It is all too easy to fall into the habit of putting the worst interpretation on what the other side says or does.

Why are they angry? Are they responding to past grievances and looking for revenge? Are emotions spilling over from one issue to another?

Without communication, there is no negotiation.

If you are not hearing what the other side is saying, there is no communication. p34

Take in their perceptions, their needs, and their constraints.

Face the problem, not the people. Deal with the people as human beings and with the problem on its merits.

For a wise solution, reconcile interests not positions. The basic problem in a negotiation lies not in conflicting positions but in the conflict between each side's needs, desires, concerns, and fears.

Look behind positions for interests.

Don't focus on past grievances, focus on future concerns.

Look forwards, not back.

Talk about how you would like to go rather than where you have come from.

Make their decision easy.

If you want a horse to jump a fence, don't raise the fence.

Step to their side. Respect breeds respect.

Don't teach them yourself, let the problem be the teacher.

Don't treat the other side's position as an obstacle, treat it as an opportunity.

Move from positional bargaining to joint problem-solving.

Actively involving them in devising a solution so that it becomes their idea, not just yours. It means satisfying their un-met interests. It means helping them to save face; and it means making the process of negotiation as easy as possible. It means building a bridge from their thinking back to yours.

Don't assume a fixed pie. Look for low-cost, high benefit trades...high benefit to them, low cost to you, high benefit to you but low cost to them.

Go slow to go fast...don't hurry. Make the process easy. Step by step. Break it down to smaller parts. Move progressively from the easiest to the more difficult issues. Identify the expanding areas of agreement and the shrinking areas of disagreement: create a sense of momentum, a habit of saying "yes", showing that agreement *is* possible.