

SOME TACTICS TO THINK ABOUT WHEN NEGOTIATING

David Hartl

INTRODUCTION

Being aware of specific negotiating tactics offers you tools to use through the negotiation process while creating psychological distance from the feelings that sometimes get stirred up during tense or anxious moments of the negotiations. Some tactics are friendly and some are not. If another negotiator is using an unfriendly tactic on you, recognizing it quickly and countering it effectively will help you to avoid an undesirable outcome.

Boundary setting

This tactic is a friendly way to let your negotiating partner know what areas are negotiable and which are not. If an interest is “on the table,” it means it is subject to negotiation. If an interest is “off the table,” it means it is out of bounds; not subject to negotiation. If it has not been made clear whether or not an interest is on the table, it may be assumed to be so and subject to negotiation. It’s more friendly to let people know “up front” if something is out of bounds so that misunderstandings and disappointments can be avoided. It is also true that boundaries may change during the negotiation process under some circumstances. If this happens, it is useful to make the boundary change explicit immediately.

Repeated flashes

This tactic is a way to keep a negotiating point that fails to reach quick agreement hovering in the background even when you have moved on to other topics or taken a break from the negotiation process. It requires that you make a note of the point and remember to keep bringing it up whenever there is a break or pause in the process. If this serves as a useful reminder, then repeated flashes can help to complete a negotiating process more quickly. However, repeated flashes of interests or issues that are irrelevant or cannot be included in an agreement can become annoying and alienate people. To counter repeated flashes, a negotiator can acknowledge it, refuse it, and request that it not be brought up again as it is “off the table” or out of bounds.

Higher authority

This tactic acknowledges a negotiating point as possibly achieved ... but ... not ... quite. First, someone has to check with someone else in a position of “higher authority.” In some cases this appeal is legitimate and approval of the existing deal is all that is necessary. However, sometimes it’s a way to squeeze in another advantage or squeeze out another concession.

When this tactic is being used to squeeze you or deflect you from getting closure on an agreement, it can be countered by offering to do your negotiating directly with the higher authority or to send them their own copy of your terms and interests for direct discussions. The point is to overcome mistrust and avoid misunderstandings that might occur as a result of having your interests represented by someone other than yourself.

Effective use of concessions

Concessions may be offered in many ways and always with strings attached – always get something back for a concession you make. Make concessions overtly and with drama; be sure they know you are making a concession and what you expect to get in return for making it. Making concessions overtly lets the other negotiator know that they, too, are winning something in the negotiation. When concessions are handled well it helps to build trust and mutual respect between negotiators and can lead to “win-win” outcomes. Making concessions isn’t “losing.” Making concessions is what negotiators do to get to win-win agreements.

Sometimes concessions can be bundled with other requirements, such as offering a concession on the condition that the other party provide something you are interested in or act in a certain way. If they refuse the condition, you can withdraw the concession.

Claiming the limit

There sometimes comes a point in negotiations when you or your negotiating partner will have to claim that you have reached your limit and can go no further – you have done the best you can do and you either have a deal or not on the current terms. There are many variables that go into making up the limit: costs, fees, charges, price, discounts, timing, deadlines, inducements, delivery time, waivers, guarantees, quality assurance, credit terms, volume of work, amount of risk, and so forth. Claiming the limit is what you do when you have exhausted every avenue for variation, concession, and added value. It’s your “take it or leave it” position. As a tactic, this is sometimes used as a bluff. If it is used as a bluff against you, and you find later that it was, there is little chance you will want to do business with that negotiator again. On the other hand, if you claim the limit, and the other elects to “leave it,” maybe you can appeal to “higher authority” and get the limit changed. Even this sometimes leads to mistrust of you in the future. But if the next step in negotiating is done directly with the higher authority and they change the limit, it might get a deal today and still preserve your credibility.

Issuing deadlines

This tactic can be a goad to progressing quickly through negotiations to reasonable agreement or a hollow and implicit threat aimed as controlling the process for particular advantage. Someone (no doubt important) once said, “If it weren’t for deadlines, nothing would get done.” When a deadline is genuine (e.g. a contract expires on a certain date), it offers value by energizing the negotiating process toward a new agreement. However, when a deadline is artificial or hollow, it begs to be tested. Issuing artificial deadlines can reduce your trustworthiness as a negotiating partner. On the other hand, if a deadline is genuine, it’s important to let that be known so that a negotiated agreement isn’t lost because of maliciously withheld information.

Focused silence

During negotiations you may want to find out what the opposite party’s interests are concerning a certain aspect of the negotiations. A tactic that can be used in this situation is to ask a question or say something that focus their attention on the particular issue or interest and

then remain rigorously silent. The silence creates a space that they will feel a need to fill, most likely with information about the interest or issue that you just focused their attention on. The longer you remain silent, the more they are likely to feel a need to talk and add more information.

The way to counter this tactic when it is used against you is to recognize the tactic (usually revealed by the sudden rigorous silence), ignore the previous focusing question or comment, and ask your own focusing question or continue the negotiations along the lines you choose. In short, stay in control yourself.

Slow down

This tactic is used when negotiators believe they don't have all the information, facts, conditions, authority, or power they need to get to an agreement that might be acceptable to them. An apt adage here is, "Always put off until tomorrow what you might botch up today." Under this condition, any excuse will do. (e.g. I'm having a tooth pulled; I can't get my car started; I'm going on vacation; whatever.) Sometimes slowing the negotiation process down really does add value because facts become known, information becomes available, the right people with the right authority or power return to the scene, etc. On the other hand, slowing the process down with no end in sight is a tactic often used by those who have no true negotiating position and are simply delaying the inevitable.

To counter this tactic, ascertain what changes are necessary in the situation to make it possible to proceed toward an agreement. Make a judgment about the likelihood of those changes occurring and act accordingly. If slowing down could add value to the situation, wait a bit. If it's a scam, force the issue by claiming the limit or issuing a deadline.

Comparison shopping

In many negotiating situations, the opposite party may have other places to go to satisfy their needs. When this condition exists, comparison shopping is a tactic they are likely to use. It's appropriate in an open market, where many alternatives are available to satisfy a need, that a negotiator seek the best circumstances they can find to make the best deal for themselves. On the other hand, there are times when a negotiator might claim the option of comparison shopping and, in fact, there are no other providers to satisfy their needs (e.g. government permits, contracted services, exclusive service agreements, etc.). In this case, the threat of comparison shopping can be treated as the hollow threat that it is and ignored with humor.

Offering explanations and information

Sometimes negotiators are taken aback by something their negotiating partner says or offers because they don't understand all that is behind it. In this case it is crucial to offer, and to listen carefully to explanations and information that fills in the background and provides the reasons for what is said or offered. When the explanations are given in good faith, it affords the opportunity to appreciate what is being done from the opposite party's point of view. What may have seemed unreasonable before, makes perfect sense in light of the explanation and information provided. It is often better to provide more rather than less background information so that misunderstandings can be avoided and negotiators can understand why certain issues are interpreted as they are, given each other's different contexts.

Masked messages

This is not so much a tactic as a description of the variety of messages that are communicated during negotiations and the variety of ways they can be sent. A great deal of the information that we receive in negotiation is through the eyes – non-verbal messages. This information is often picked up below ordinary, every-day awareness. In negotiations it is important to become hyper-aware and not miss these messages. Facial expressions, body posture and gestures communicate trust, confidence, assurance, or lack of these. Voice tone, “the music, not the words,” also often communicates the same qualities in the same subtle way. Pay close attention to these masked messages. They often reveal whether or not you are on a constructive path to a successful negotiation. Occasionally during negotiations you may receive written or telephoned messages having to do with an ongoing negotiation. These messages should be attended to with the same care as when you are across the table or voice-to-voice on the telephone with your negotiating partners. The most surprising things can come up through masked messages in notes, voice tone, or non-verbal behavior that will help you to know what you might need to do differently to achieve a successful outcome. In general, when the masked messages reveal strong emotional reactions to the negotiating process, it is best to deal with the emotions first, then get back to rational negotiating seeking outcomes that will last beyond the moment.

What is it you don't understand about “No”?

“No” can often be the starting point toward a win-win agreement. When a negotiator says they can't do what you want, it offers you the opportunity to ask “Why?” The objections they describe give you exactly the information you need to overcome their objections. With their reasons now available, you can fill in the information they need, offer the explanations that will satisfy them, offer the inducements and concessions that will change their mind, provide the conditions under which they will agree, and so on. The trick is to listen beyond the “No.” It's the next several things they say, after you ask why, that are really important to hear. On the other hand, if you are the one saying “No,” the way to counter the counter to “No” described above is to “just say ‘No’” and offer no objections that could be heard by a persistent negotiator as an invitation to overcome them.

Negotiators are often inventive and creative. You may encounter other tactics beyond those described here that intrigue or even surprise you. The most important point to remember about negotiating tactics is that they are not always obvious, often subtle operating below ordinary awareness, and yield mostly to recognition and getting emotional distance. Deal with negotiating tactics by seeing them when they're used, and avoiding letting your feelings get “hooked” by them thereby losing control of your rational self.