

neutralising manipulative negotiation tactics



Introduction

Prior to the 1980's, many companies focused their negotiation training on tactics. Although the following tactics *will* yield a short term result, we don't advocate their use in a business context. The reason we don't advocate their use is due to both the long term damage they will deliver to your business relationships, and the questionable ethics of using manipulative tactics. Once you have mastered the Principled Negotiation Model, the need for manoeuvring to gain a small short term advantage will be made redundant. These tactics are designed to extract value out of the other side without making any value contribution or creation. They are thus Win-Lose by nature.

Regrettably you *will* all too often have to negotiate with others who employ these tactics against you. It is therefore important to notice them, and have the knowledge and skills to neutralise their effect with suitable counters.

The counters you will find here have one thing in common. They separate the tactic from the person. So whilst you are acting and sometimes judging the tactics employed, at no time do we recommend you blame the person or attach the tactic to the person's identity. We are not our tactics. Using these tactics doesn't make a negotiator a manipulator. So there needs to be a clear distinction drawn between a negotiator *using* manipulative tactics, versus a negotiator *being* manipulative because they are using these tactics. Often a negotiator will either be acting out of habit without giving thought to their actions. Other times what we perceive as a tactic may in fact be something entirely different.

You wouldn't dare use one of these tactics on a friend or family member would you? Perhaps your best insurance policy against these tactics is to invest time in *befriending* your counterparty before the negotiations proper begin. Rapport skills used in a neutral social setting pay large dividends later at the negotiation table.

There are very many tactics and ploys in negotiation. This article covers some of the main areas you will encounter and suggests the most effective counters we have found.

Negotiation Decoys

This is a highly contentious area that poses the question: How can you know whether the other party is being totally honest when disclosing their interests? Might they be 'loading the dice' in their favour through adding extra false interests into their agenda? So you hear about 13 interests, when in truth they only have 10?

Two examples of how this can create a win-lose in their favour: First danger is of your making an exchange on an invalid interest of theirs, only later to have them drop this exchange from the deal – leaving you with an unmet interest of yours, and them with a deal that satisfies all of their interests. Second danger is for the other party to agree to 'forget' about their fictitious interests if you will forget about your real interests.

There are various methods of handling this dishonest tactic. Your being thorough may be sufficient. So remember to get to their motivation for each interest by asking how each interest helps them. Then work together in ranking their interests. If you feel suspicious, trust your hunches and probe further, research more widely and withdraw to regroup.

Your best method of safeguarding yourself stems from a combination of preparing thoroughly to predict and then understand what they should and will be asking for. Check their expressed interests against your expectations. Then develop your interpersonal perceptions to notice when the other party is being economical with the truth. There are *always* signs; you are strongly advised to hone your senses. We recommend your training and gaining practice in the following areas: NLP, Body Language, Behavioural Psychology and Linguistics.

Negotiation Extreme Offers

If you are the buyer, you will hear the seller ask for a lot more than you expected. If you are the seller, the buyer will offer you far less than you expected. The intention is to lower your expectations and thereby gain a concession without having to make one in return. The risk is that you will be offended and enraged, refusing to have any further dealings with the other party.

It's important to note that the other party's culture may dictate this tactic as standard practice. A German or American trading in China will grow accustomed to extreme proposals. If the culture in which you must operate dictates extreme opening offers, then you are recommended to blend in and take advice on how to play by local rules.

To generalise then: in western countries, separate the person from their behaviour or tactic. If you are surprised, show your surprise and allow yourself to laugh. This can diffuse the situation and facilitate a deal. We don't generally recommend an extreme counter proposal. Let the other side know that their expectations need to be adjusted, and use other deals as precedents to persuade them by how much.

Negotiation Nibble

Just when you think you are fully agreed and about to sign the contract, they ask, "Transportation and insurance is included, isn't it?" There is a strong urge to make this final concession for the sake of signing the deal. This urge must be resisted. The Trading principle of using an If-Then should be used: "In contracts where we pay for transportation and insurance, we add an extra 3% to the price. So yes, **if** you are willing to pay the extra 3%, **then** we will cover these two items."

We usually recommend you enquire as to the interest behind this newly raised request. If it was omitted earlier by mistake, then perhaps there is an opportunity to meet this need in another creative way that meets both parties' needs. A great way to prevent nibbling and other unpleasant surprises is through being explicit and thorough in specifying exactly what is included and excluded in the deal.

Negotiation Cherry Picking

Buyers can model their perfect deal through shopping around and getting many bids before coming to you. They may come to you with a proposal that fully satisfies their interests on price and discount structures, quality, service, timescales etc. Often they may tell you that "this is what the competition is offering us, so you'll need to at least match it!" In reality they will have "cherry picked" the most desirable offerings from each of your competition's proposals.

By asking who exactly you are being played off against, you are better able to satisfy your own interests. Enquire into who they were offered this dream deal by, and whether this company indeed did offer them an identical deal to the one you have to beat. If it seems too good to be true you may be right! Take time out to do your market research and examine the named competitors' standard conditions and current deals.

Draw the other sides' attention to the principle of trading and mutual concession making. Explain that in order to make the deal worthwhile you will need to gain something in return for varying your offer in favour of their cherry picked deal. Perhaps you will be the one with the challenging task of bringing this buyer's expectations back down to earth, and perhaps you will win the deal in so doing.

Negotiation Flinch

Physical reactions such as sudden gasping for air and visible expressions of surprise and shock are common examples of flinching. What makes the flinch so dangerous is that it happens in an instant, and most are not aware of it at a conscious level. Seeing a shocked expression is far more believable as compared with hearing someone saying "I'm shocked." To effectively combat you first need to notice what is happening consciously. Then think about whether they genuinely expected something else, or if they are merely playing a part to lower your expectations. Like most other tactics, if you have noticed the tactic, you are unlikely to be influenced by it and are therefore most of the way there in dealing with it.

Since a flinch is essentially a disappointment on their side, take the time to ask "I notice you looked surprised, what were you expecting?" This puts you in a position to talk about their unrealistic expectation, rather than your unrealistic terms.

Negotiation Good Cop Bad Cop

No matter how often we see these antics in old and new movies alike, many negotiators often don't see when these scenarios are being played out in front of their very eyes. You will be faced with two or more negotiators, one is demanding concessions whilst the other is (by comparison!) more reasonable. Often the bad cop doesn't have to be present at all. The other party will make references to their boss or other team members' demands for your concessions.

Most important is for you to notice what is happening, and remember that despite appearances, the 'good cop' is *not* on *your* side. Often the dynamics can be changed by your calling them on their behaviour by saying "You know what this reminds me of? A police interrogation scene from an old movie with that old good cop/bad cop routine. Now I know you guys wouldn't intentionally be doing that routine on me, so let's get back to the reason why came together today."

Alternatively you could focus all your efforts on the bad cop, and ignore the good cop. Since it is the bad cop you have to satisfy, it should be her/his interests that need to be fully discovered.

Competition

The law of supply and demand comes to us in many guises. Similar to 'Cherry Picking' you may hear that your competitor offered the same deal for a lower price. You may be told that unless you meet their price the contract will have to go out for bids. More subtle may be allusions in passing to conversation or products of your competitors. Perhaps you will notice a competitor's product catalogue on their desk with post-it notes sticking out from several pages.

Often you will be faced with a generalisation of "Everyone else is providing this service as standard". Of course you will want to challenge this generalisation immediately, lest it sticks and *they* start believing their own claim. Ask who exactly they have spoken with, and then proceed to compare your offering to the other party in detail. Don't take their word for it; make your own enquiries if you don't already know what your competition is offering.

First establish exactly how comparable your competitors' offering *really* is. Quality, volume, service, delivery, time-scales and payment terms need to match to make for a meaningful price comparison. Very rarely will your offering be totally undifferentiated from the competition.

Ideally your due diligence preparation will have armed you with information on your competitors value proposition. Work to differentiate your offering so as not to be commoditised and beaten down on price.

Deadlines

Deadlines force parties into movement through making choices. Deadlines may be caused by **circumstance** (return flight departure time approaching), or have a real consequence (project grinds to a halt without a person or a product), or they may merely be a tactic to force your hand and deprive you of adequate preparation time.

Ask for consequences – "What will happen if we don't meet your deadline?" Perhaps through working together you can open their eyes to options that ease the pressure from the seemingly unmovable deadline.

Take it or Leave it

This tactic is confrontational and sometimes even hostile. Focus on the interest behind the demand, and then work together with the other party to create options that allow the interest to be met in another way. "The workers won't accept less than a 2% increase in salary, take it or leave it!" can be met with "I understand the workers need 2% more in salary, so please help me to understand what they will be doing with 2% more?"

It may be that this money would go towards their retirement plans. If so, the company could offer to increase the pension contributions to meet the desired security levels. Until you know *why* they want a 2% rise, you're not in any position to create alternatives.

If you suspect a bluff, one good way to expose the bluff is to ask "**If** we were to agree to your demand, **then** would you be prepared to sign the contract here and now?" If you don't ask this question, you run the risk making a concession only to face another demand. Often you will flush out more of their interests through asking this question.

Similar is "You are going to have to do better than that!" Again, we recommend your asking "How much better, and if we do, will you be willing to sign here and now?" You are not committing yourself, but merely exposing their intentions. Another response is to use the trading principle: "If we reduce your price, then we need you to increase your order."

Policy

We tend to lend the written word and company policies more weight and credibility than the spoken word and requests. For this reason we recommend you list your prices in writing rather than mention them verbally. Written words are viewed in a light of enhanced legitimacy, and are therefore less often challenged.

If presented with a price or company policy, ask who originally formulated the price or policy, and what interests it was intended to serve. They may not have thought about this policy before, and may realise that it is either defunct or does not apply.

If shown a list of client company names, choose a couple of companies and ask for details of what work they did, when, what the results were, whether they have testimonies to show.

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