

# How to Succeed When Working With Tactical Negotiators

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The top priority that people have in negotiating sessions I teach, is dealing with tactical, positional negotiators. Students will make comments like, "I hate to negotiate because it forces me to deal with "those people" who use underhanded tactics to try to trip you up or deceive you. It is adversarial, and I am there trying to get an agreement or solve a problem. All they want to do is trick me so they can win."

The difficulty in dealing with these situations is that positions (what we want and for how much) come to the forefront, and interests (why we want something) become secondary. When positions become most important, emotional issues rise as well. As strong emotions take over we begin to work on each other, not the problem. Each side gets locked into a position, they get further entrenched, and the negotiators go into an "all for me" bidding war.

There are some things that can be done prior to, and at the beginning of negotiations that can help mitigate the use of tactics:

- **Preparation:** When teaching negotiations, students are asked if they plan before they begin to negotiate. Rarely will anyone answer in the affirmative. Preparation is crucial, because it helps to plot a course so their interests are met, but also forces the negotiator to consider the interests of the other party. Consider personality styles (if you know them) and how they might approach the negotiation. Also consider what they might want. For example, you may want to work with this party to solve a problem. However, their interest may be solely to bring back a deal under "the number" so they can win and look good to their boss. Or they think their solution is the only one that is right. These are two entirely different approaches.

A game plan can help you stay on course when emotions cloud your thinking.

Another very important part of planning is anticipating what should happen if an agreement cannot be reached. Your fall back position is critical when dealing with tactical negotiators. If this position is strong, the negotiator can always say, "It appears that we cannot come to an agreement that will work for both of us, so we will take on the project, internally." Walking away when necessary, especially if tactics are being used due to a "gotcha" perception, delivers a very powerful message. It should also be a last resort and not a tactic.

- Tactical negotiators tend not to be concerned about relationships after the negotiation has concluded. A clear understanding of the relationship two organizations have to each other (ongoing, or short-term and situational) can dictate the most effective approach.
- Learning the interests of the other side is important in laying the groundwork for successful negotiations. The ability to get the negotiation back on track, to reframe back to the problem (interests) and away from personal issues or positional bargaining, is one

of the most powerful skills a negotiator can have. This requires superior listening and questioning skills

- Have and state to the other party, an understanding of the goals of the negotiation: To reach, efficiently, an agreement that is fair to both sides, and to be able to continue the relationship beyond the resolution of this issue. If the other party is not interested in this approach, you might question why you are there.
- It is important to understand that **you can only fix this particular situation. You cannot fix the other person.** Focus on making sure this negotiation stays on target, and do not begin to coach the other party in negotiation skills.

When the other side begins to use tricks, psychological ploys, tactics, or becomes manipulative, what can you do?

It is important to understand that effective tactical negotiators have been down this path many times. They are very good at concealing their real strategy. In fact, everything may seem to be going great and all of a sudden the process changes. This is where the ability to control emotions and to focus on the process becomes critical.

Negotiators faced with these situations are required to carry on two negotiations: the issue or issues being negotiated, and the negotiation process. Negotiating how the process is taking place is one way to deal with tactics.

- You have to be able to recognize when a tactic is being used.
- Do not address the use of a tactic with a personal attack on the other party. Talk about the tactic, not the person.
- Reframe back to the interests being negotiated.

An example:

An insurance executive and his local company representative are meeting with an important agency about the need to restrict writing a particular type of coverage. While necessary, the executive realizes that this is going to put the agency in a difficult position because the insurance company has been one of the last of a number of carriers to put similar restrictions in place. The agency hoped that the insurance company would keep writing the coverage.

The head of the agency has a very dominant, driver personality. His conference room reflects this with a long rectangular table and a larger chair at the head. He does not like to be told what to do. He knows why the insurance company representatives are meeting with him.

The agency requires visitors to go to this conference room, rather than letting them into the general office. The company representatives are ushered into the conference room for a 9.30 appointment. At 9.45 they are still waiting. At 9.50, the agency head arrives to begin the meeting. No apologies are offered.

The visiting executive says, "It is too bad that we are getting started so late. I only have an hour to work on this with you this morning, as we have other appointments. Now only 40 minutes are left. I hope that we can come to an agreement in the remaining time."

The tactic was recognized, it was not addressed in a personal attack (although emotions on the company side were very high as the executive also has a dominant personality), and the rules for how long they can stay are in place.

How do negotiators handle specific situations? For example, abruptly walking out of the session, not showing up on time, making you sit in an uncomfortable chair, or asking for a "few more concessions" after an agreement has been reached?

Tactics and tricks can be grouped into categories:

1. Psychological games and personal attacks: attacking your integrity, personal put-downs, uncomfortable surroundings, and threats ("I'll pull my accounts if you don't do this!") are examples.
2. Misrepresentation of information, or outright lying.
3. Positional power: using tactics to get you to negotiate against yourself, make unneeded concessions, or even make concessions after the negotiation has concluded.

#### **1. Psychological games and personal attacks:**

No one wants to be around anyone who is attacking them or making them uncomfortable. In fact, it may make a negotiator give in, just to get out of there. Confident, skilled negotiators do not allow this to occur.

If a room is uncomfortable, ask for a change. Either another chair, or switch rooms. If they refuse, tell them that the conditions are not satisfactory (not a personal attack, "You made me sit with the sun in my eyes!") and we will need to meet at a different time or place to be able to have any chance at success.

If it is a personal attack, for example "Are you qualified to be here?", or "You do not look well. Are you feeling OK?" recognize the attack. Bringing it up ("You know my qualifications, so can we proceed?", or "I've never felt better, but thanks for your concern") is the way to alert the other party you know the game. Most of the time, it stops this from further recurrence.

Using threats is a commonly used tactic to get concessions. Statements like, "I'll move all my business" are common to try to use perceived power to get what they want.

An example:

A supplier and customer are trying to negotiate an arrangement for business growth. If the customer provides the supplier with 10% sales growth in the next year, the supplier will provide

a 2% commission over-ride as an incentive. The bargaining begins without the customer really considering the value of the relationship. As the bargaining continues, tension escalates with the customer finally exclaiming, "I want 4% and if I don't get it, I'll move my business to someone who will!" The negotiator for the supplier replies, "While we value the relationship with you, we do not value it enough to be unprofitable. Your request would make that occur. We hope you see the value for both of us in our proposal." The supplier then provided the facts because they were prepared.

Many negotiators, when attacked or put in uncomfortable situations tend to overlook them and try to push on. This is the result the tactical negotiator wants.

## 2. Misrepresentation of facts:

This can be very difficult to handle, as our emotional reaction would be to call them a liar. Remember, you cannot fix the person, only the situation. People issues have to be separate.

If you cannot trust the other party, you can still negotiate with them. Have your facts and verify everything. If you cannot verify something, ask to caucus, or reconvene until you can to ensure that the facts are accurate.

If presented with conflicting information, present your facts as being in conflict with theirs, and ask for verification. Whenever possible, use third party sources as backup as those sources are unbiased towards this negotiation.

If the other party has represented themselves as the decision-maker and after an agreement has been reached tells you they "have to get it approved", let them know that the agreement is now non-binding. Either side can now make changes as needed. If the other negotiator does not have the authority to agree to the deal, there is no deal. Put this in writing, immediately.

## 3. Positional Power:

These tactics are used by negotiators who are attempting to position the other party into negotiating with themselves. They put the other party into a position where they are the ones making concessions, many times unnecessarily. This is very common when negotiators begin negotiating to save the relationship instead of trying to reach an agreement.

Examples of tactics used:

- **Flinch:** used when you present your offer. The hope is that you might say something like, "Oh, is that too much? I have some room here" when your first offer was fine.

A simple response is to ignore the flinch. If there is a real issue, it will come out later and can be negotiated without use of tactics.

- **Hot Potato:** the other side waits until the last minute to deliver their proposal, and provides no time for you to decide or prepare.

Take a time out, caucus, reconvene. If it's a "take or leave it" deal, leave it.

- **Walk out:** a ploy to get you to concede something to get them back to the table. Wait them out. If there are issues, they can be handled in due course in the negotiation.
- **Nibblers:** they come back after the deal has been struck asking for a small concession. It can be because they "forgot" something, or "something changed, can you help us out?"

The best way to respond to this is to say, "If we are going to reopen the contract, then it will be satisfactory to reopen the entire contract for additional considerations. We would like a few small changes, ourselves." Generally, this stops the tactic.

NEVER give something away for free. Always get something in exchange that is of high value to you.

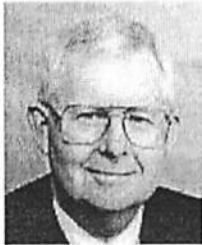
- **Tag-team negotiators:** typically this occurs after a deal has been offered. For example, a company is negotiating to do business with another and there are "two" decision makers on the other side. The first one says, "We can do this, but I can only pay a 5% commission on your orders." The second negotiator gets a funny look on his face and says, "Come on, we can do better than that. Why don't you pay them 6%?" In reality, they pay 10%, and since you planned your negotiation, you checked this out. What sounds like a concession is actually a tactic. A good way to respond to this is to say, "It looks like the two of you have a disagreement. How about I go out for a while so you can work this out?"

These are just a few of the tactics used by negotiators. When faced with tricks and tactics, it is important to remember some key points:

1. If you prepare and plan your negotiations, you will be better equipped to deal with tactics. You will always know where you are going, where you are in the process, and will know what you can do if negotiations are unsuccessful.
2. The goal of the negotiator is to reach, efficiently, an agreement that is fair to both sides. We want to leave the relationship intact.
3. Remember you can only fix and control the situation, not the other person. Our focus has to be on the problem and the process.
4. A negotiator may not only have to negotiate the issue, but also the ground rules of the negotiation process.
5. Recognize when a tactic is being used. Address the tactic with the other party. Do not personalize it ("You are lying to me!").
6. Always have enough confidence to halt proceedings if they are not going well. This can be via a caucus, or even rescheduling for another day or venue.

7. Always know what you will do if an agreement cannot be reached. Having that knowledge can and will prevent you from proceeding in a negotiation where tactics are clouding the issue. Know where you are in relation to what you will do if negotiations are unsuccessful, throughout the negotiation process. Do not let the use of tactics cause an agreement to be worse than what could have been done on your own.

Most of us have to negotiate on a regular basis for goods and services we need in our lives. Few enjoy the process, and many do not because they are not equipped to handle the use of tactics in the negotiation process. Understanding tactics and how to handle them, coupled with more detailed and focused planning of negotiations will provide negotiators with better outcomes for both sides. This gives the negotiator the confidence to do what is necessary to change the process so it will work, rather than focusing on the behavior of the other side. Last, when tactical negotiators learn how their tactics can be neutralized, they stop using them and begin to get better results.



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