

Recognition and Mitigation of Negotiation Tactics

**A Series on Negotiation Strategy for Farmers
Part 3**

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Introduction

The first approach to negotiation is principled. This document will outline either how to get the other side to play ball, or recognize the tricks yourself.

Open the Bag

Attacking or being attacked can waste a lot of energy. The other side can be critical of your offer and defending it will only waste energy. Don't push back, just deflect and stick to the legitimacy of your last offer.

Look Behind the Position

You need to ask many questions of the offer to do this. Questions like; 'Why is your offer ... this way?'. What your questions are seeking are the principles, interests and other information that you can improve upon.

Invite Criticism and Advice

Here you are looking for and inviting the other side to reveal their issues. By having them show you how your proposal does not address their needs will allow you to modify a later proposal.

Use Questions

The more you inquire the more you protect the respect and trust being build, and still allow you to press your points of concern.

Use Silence

One of the strongest tactics is silence. Don't attack a bad offer, just sit there. If you have asked a good question, wait for the answer. They did hear you. Remember silence is not a stalemate.

One Text

This is a classic way for a third party to assist the process. Version 1 is a compilation of all the wants. Version 2 shows movement. The final version x reflects all the give and take of the negotiation process.

More from the Bag

From the bag of dirty tricks, you can divide the tricks into three groups. They are deliberate deceptions, psychological warfare and position pressure.

Deceptions

Phony Facts

Unless you have a good reason to trust someone, don't. This means the process of negotiation also includes checking facts. You can get derailed if you are attacked for having doubts on the facts. The routine practice of checking reduces the incentive for deception and lowers the risk of you being cheated.

Intentions Less than Honorable

Build compliance features into agreements. This is the best way to deal with the other side having no intent of complying.

Most farmers simply think a statement that the other side will do something is sufficient for action. The consequence of not acting needs to be greater than the original action promised.

Half of a Disclosure is not the same as Deception

Good faith does not require full disclosure. It is possible to have a fully candid discussion without full disclosure.

Mind Games

Stress

It is easy to set up situations where the other side is put into a position of stress. You can choose the physical environment. You can time the presentation of the offer to coincide with events that require the other side's attention. The point is to get the other side to concede an agreement so they can escape the stressful environment you set up.

Attack the Person

Use verbal and nonverbal communications to add to the stress. You can comment on the condition of the cloths or comment on how late seeding is. You can tell them they don't understand the rules of the industry. You can make them repeat what they just said, and you can refuse eye contact. All these tactics add to the stressful environment you hope to achieve.

Take a Buddy

There are many movies when the two cops flip coins to see who gets to play the bad cop. This is more of the same mind game.

Make a Threat

It is easier to make a threat than a legitimate offer. Threats are pressure. You may be on the receiving end of, “ ... this agreement or we will get the government to seize the land so we can drill and there is nothing you can do about it.”

Threats can be effective if the communication is credible. Interfering with the flow of information needed to reach a deal can do the trick.

Positional Tactics

Refuse to Negotiate

Refusing to start the process is one way to obtain a concession on substance.

Escalate the Demands

In order to minimize overall concessions, you move higher a demand on one point every time you concede another point. The effect is to agree quickly before the other side can raise any more of their demands.

Lock In

You want to create a situation where there is no other possible option but to yield. Your strength increases the more you don't have control over the situation. This is a gamble, because the tactic requires communication between the other side and their sponsor.

Hardhearted

Justify not yielding because the sponsor of the other side is a heartless #\$\$%%. You can say I personally object to the request or offer, but I am forced to present it to you.

Calculate a Delay

You can postpone a decision until you think the time is favorable. Time the presentation of the offer to put the most stress on the other side.

Take it, it is your Choice

Confrontation is not always bad. Most Canadian business dealing has an element of this in their dealings. You don't get to bargain over the purchase of a can of beans.

The same can be said for pre-approved agreements. You may hear, “This is an XYZ approved agreement template and we are not prepared to modify its text.’ Doing so negates the ability of choice for the other side.

Victims Make Great Targets

Defining the term negotiating in good faith is relative. You must decide whether you want to use tactics that others might consider improper.

There is nothing wrong with hard bargaining. It takes work to reach interest based agreement.

Resources for this Publication

Getting to Yes, by Roger Fisher, William Ury and Bruce Patton, Second Edition, 1991

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