

NOTES: You can negotiate anything by Herb Cohen

Part One: Yes, You Can

1. **What is negotiation?** – *If your intent is to affect someone's behaviour, then you're negotiating*
2. **Almost everything is negotiable** – *Take some risk, challenge your assumptions*
3. **Getting your feet wet**
 - Generating competition – *The more people there are who want your money, the more your money will buy*
 - Satisfying needs – *Express how the product does not satisfy your needs*
 - Going on sale – *The assumption is that it either will be on sale, or just was*
 - "A little blemish here!" – *Find blemishes in the product*
 - Off-tackle slant – *Move off the major item under discussion and deal with a secondary element*
 - The ultimatum – *Final offer, take it or leave it! The more time invested, the more likely it will work*
 - The nibble – *Ask for a free throw-in at the end after a large time investment*
 - Help me - *Act as though you're hungry for help.*
 - "We don't understand" – *Ask questions, even when you think you might know the answers. Listen*
 - Making the ultimatum stick – *Comes at the very end. Be compassionate and soft: "You deserve what you're asking for. I wish I could give it to you, but this is all I have in my budget!"*

Part Two: The Three Crucial Variables

4. **Power** – *You have power if you believe you have it*
 1. The power of competition – *More competition = more value*
 2. The power of legitimacy – *A sign seems like it cannot be argued with. Challenge it if needed*
 3. The power of risk taking – *Take the risk to negotiate if it's worth it*
 4. The power of commitment – *Spread the commitment and risk over many people's shoulders*
 5. The power of expertise – *Don't be overimpressed with "The Expert", innocently but persistently ask questions*
 6. The power of the knowledge of "needs" – *Uncover their real needs and satisfy them*
 7. The power of investment – *Get the other person to invest time, money, or energy in the negotiation*
 8. The power of rewarding or punishing – *The perception that you can help or hurt gives you "muscle"*
 9. The power of identification – *Get others to identify with you, seem human*
 10. The power of morality – *Present it as the morally right thing to do*
 11. The power of precedent – *Show that the outcome you want has already been achieved so can be done again*
 12. The power of persistence – *New ideas take time to take root. Try again and again*
 13. The power of persuasive capacity – *Logic alone does not work, meet the other person's needs and feelings*
 14. The power of attitude – *Negotiating for someone else can be easier than negotiating for yourself*
5. **Time** – *Create deadlines to exert pressure, but don't fall into it yourself*
6. **Information** – *Do your research! During a negotiation look for cues: unintentional, verbal, behavioural*

Part Three: Styles of Negotiating

7. **Winning at all costs...Soviet style** – *Beware of this style, don't find a stiletto in your back!*
 1. Extreme initial positions – *They start way too high or way too low*
 2. Limited authority – *They pretend they don't have the authority and need to check with someone else*
 3. Emotional tactics – *Wait until the outburst is over and then thank him for explaining his views so clearly*
 4. Adversary concessions viewed as a weakness – *Don't reward their behaviour by making concessions*
 5. Stingy in concessions – *They won't return the favour*
 6. Ignore deadlines – *They will act as though the deadline is not real for them, but certainly for you*

To deal with this style: walk away, beat them at their own game, or switch the relationship to a collaborative one

8. **Negotiating for mutual satisfaction** – *Beat the problem, not each other. Find out what the other side really wants and show them a way to get it*
 1. Using the process to meet needs – *Listen with empathy*
 2. Harmonizing or reconciling needs – *Seek a mutually acceptable solution*

Conflict – *You may be at odds even if your end goal is the same. This could be because of:*

1. Experience – *We don't see the world the same way*
2. Information – *We don't have the same information*
3. Role – *We have different parts we have been given in the negotiation*

9. More on the Win-Win technique

1. Building trust
 - A. The process stage – *Before the formal negotiation, this is when you should build trust*
 - B. The formal event – *During the negotiation everyone's guard is higher, will rely on the trust built so far*
 2. Gaining commitment – *They are not an isolated entity, involve people they know*
 3. Dealing with opposition
 - A. Idea opponents – *Do not respond with opposition. Build collaboration, work on other parts of the deal*
 - B. Visceral opponents – *Emotional opponent who dislikes you as a human being*
 1. Never forget the power of your attitude – *Remain cool and calm*
 2. Never judge the actions and motives of others – *Especially publicly, help them save face*
- The compromise solution – *Compromise is NOT collaboration. Mutual satisfaction should be your goal*

Part Four: Negotiating Anything, Any Place

10. Telephone negotiations and memos of agreement

1. More misunderstanding – *You lose the visual behavioural cues*
2. Easier to say no – *If 'no' is what you want, phone works best*
3. Much quicker – *The same meeting in person could be 5x longer*
4. More competitive – *Insufficient time to explore needs, so tends to be impersonal and to the point*
5. Greater risk – *Quick and competitive means risky*
6. Advantage: caller – *He is prepared and has the power*

Be sure to:

 1. Be the caller, not the callee – *Ask if you can call them back*
 2. Plan and prepare – *Create a checklist, practice the exchange, anticipate their tactics, have the facts & details*
 3. A graceful exit – *Always have an excuse to get off the phone if the discuss drifts to be detrimental to you*
 4. Discipline yourself to listen – *Talk less, really pay attention, add tactical pauses*
 5. Write the memorandum of agreement – *Be sure YOU write it. Take notes during the discussion*

11. Moving up – *Ask if they have the authority to help you. Be friendly, present yourself as a human in special circumstances. If your dispute is not resolved keep moving up the ladder, you will find more humanity.*

12. Taking it personally – *Present yourself as a person. Respond with: "John ... you told me you were going to do this. I was counting on you". Appeal to their human side (e.g. visit the owner at his home with his family).*