

Chit-chat – an occasional column featuring authors and their readers

# What negotiating is all about

By THEAN LEE CHENG  
leccheng@thestar.com.my

**N**EGOTIATOR, attorney, business owner, speaker and author Jim Thomas was recently here in Kuala Lumpur for a seminar on how to negotiate. Thomas says every one negotiates every day in the office and at home. It could be negotiating with the boss to get better pay, negotiating a deal for the company, or cajoling (a more gentle form of negotiating) the children to study harder to set a good foundation for their future.

Some of us do it better than others. Thomas tells us what negotiating is all about and why it is important. His book *Negotiate to Win* is a HarperCollins international bestseller. It was first published in late 2005 and was a Pulitzer Prize candidate in 2006. Below are excerpts of his interview with *StarBizWeek*.

## Why is negotiating so difficult for some of us?

Most of us want to avoid conflicts, or anything close to it. So although it is something we have to do, we try to avoid having to do it. But if you want something, there is always a price tag to it. Everything is traded. The Japanese are very good at negotiating because they understand the importance of allowing the other side to save face. This is the overarching rule of the whole thing.

The second thing to remember is there is no one-off deal. You do the deal and you manage the relationships that come with it. The Japanese take a long-term view of things. They think about the long-term life of the company and plan years ahead.

When one takes this view, one cannot be as aggressive as one likes to be because he is nurturing a relationship. People talk about one-off deals but such deals are so infrequent, it is irrelevant.

## How did you, as an attorney, become a speaker and trainer in negotiating?

Most lawyers are terrible negotiators. The way lawyers solve problems is to go to court. If you have to go to a judge and let him sort out the problem and make a decision, that shows how bad a negotiator you are.

I started out as a divorce lawyer. A client came in and wanted to divorce his adulterous

wife. When the case was over, she was left a destitute, except for the two children. Six months later, he came back and I realised I have been a tool to his then-present situation. He may have won the case, he may have got his revenge, but he has also lost the love of his children.

He may have weekend rights to the children, but the mother has poisoned the minds of the children against him. He has to deal with parental alienation. I realised that I was a bad negotiator. There is always the relationship to manage after that.

After that case, I eventually realised that a divorce is not a one-time transaction as long as there are children involved. In the same way, there is no one-off deals.

Whether it is a divorce or a business deal, there is always that relationship that comes after. Which means that lawyers have their responsibilities. So my work as a lawyer eventually resulted in me taking an interest in my present work, which is to teach others how to negotiate.

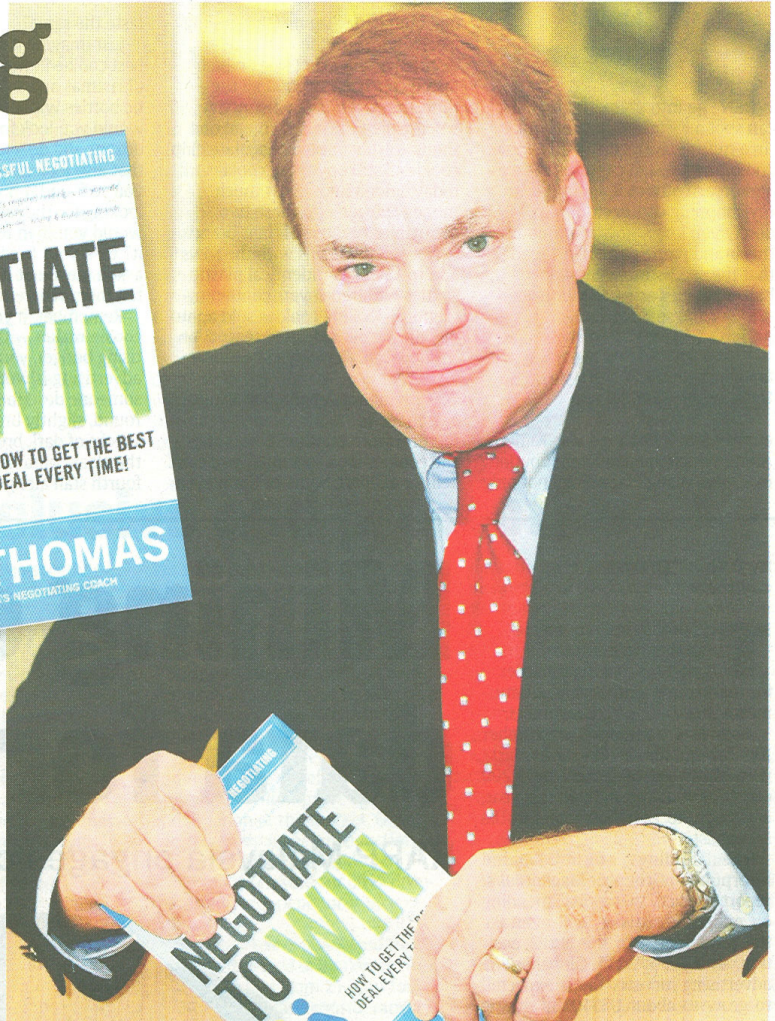
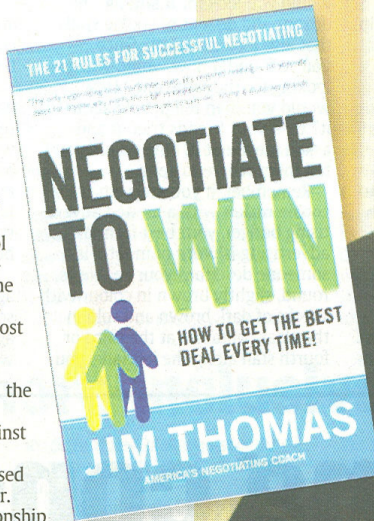
A construction company later asked me to give a 15-minute briefing to his staff on negotiating. That 15 minutes eventually became 30 minutes with another client, then a half day thing and this went on until it has become a two-day negotiating seminar. I don't want to share theories. I want to share my experience.

## Why did you write "Negotiate to Win"?

I want to tell people, in a non-condescending way, the importance of negotiating in our everyday lives. The publisher liked the manuscript and the book did better than expected. Not because it is a book of art but because it is something practical.

## What is the over-arching rule of the entire process of negotiating?

Let the other side save face. Remember that the relationship is important because you do not want to deal with revenge. There are 21 rules but there are six which are the most



important. Summing all the six is the over arching rule, let the other side save face.

1) Do not give everything away. You are negotiating because you want something. Don't make a concession without seeking something in exchange for it;

2) Don't begin the negotiation asking for 10 things when you want those 10 things. Ask for 12 or 14 and reduce it to the 10 that you want. The other side would think you are giving them concessions. Remember the most important single moment is when you ask for what you want, or what you may call, the opening offer. Be assertive;

3) As you plan your concessions, make the first one the largest and the rest progressive

smaller as you go along. The 10th is a tiny concession;

4) It may not mean much but the crux of it is: "I've heard your offer. Give me another!" There is a gentle and an aggressive way to negotiate. The gentle way is: "Now, where do we go from here?" In Japan, it is silence. The aggressive way is: "Are you doing drugs?" or something confrontational;

5) Do not settle the issues individually. Each is part of the whole. Do not fully agree to anything until the final end; and

6) At the end of the negotiations, people tend to relax. It is then that you may "nibble" with a line like this: "If you can give me just half a per cent."