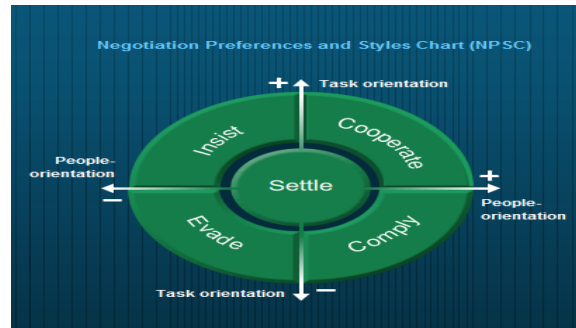


Practical Guide to Negotiating in the Military

“Let us never negotiate out of fear. But, let us never fear to negotiate.”

John F Kennedy



“In today’s DOD environment, your span of authority is often less than your span of responsibility. In short, you are charged with mission success while working with people you have no direct authority over.”

Dr Stefan Eisen

Introduction^{1 2 3}

Military leaders do not operate in isolation. Because of our professional duties and our social natures, we constantly interact with others in many contexts. Often the interaction’s purpose is to solve a problem; getting two or more people (or groups of people) to decide on a course of action to accomplish a goal. Virtually every problem-solving process we attempt involves some aspect of negotiations. Practically speaking, Air Force personnel engage daily in negotiations with co-workers, supervisors, subordinates, business partners, coalition warfighters, non-governmental organizations, etc. On-duty, you could be negotiating a scheduling issue between Operations and Maintenance or perhaps a Memorandum of Agreement between two agencies. Later, off-duty, it could be deciding on a Saturday who will 1) take the kids to soccer while 2) the other parent buys the groceries so 3) the entire family can meet for a sit-down dinner.

In the Air Force, senior leaders have identified negotiation skills as a critical core leadership competency. Air Force Doctrine Document 1-1 *Leadership and Force Development* (18 Feb 2004) under “Leading People / Teams” and the Air Force Policy Directive 36-26 (27 Aug 2008), under “Fostering Collaborative Relationships” highlights the competency of “Influencing” and / or “Negotiating.” Additionally, in today’s complex environment, the need to work within more peer-based relationships, and the need to communicate across service, joint, interagency, and coalition environments, all point to the value of understanding and effectively applying negotiating skills. Leadership articles and books, whether addressing senior leader skills or broader leadership competencies that all Airmen should develop, are consistent in advocating for improved negotiations skills as a core leadership competency.

This guide outlines and provides some frameworks for assessing and using five essential negotiating strategies tailored to the military environment. Each has its strengths and weaknesses.

By understanding these five strategies, you can scan the situation and select the most appropriate strategy.

Negotiations Defined

First, we need to define negotiations to frame the discussion. A negotiation is not what many envision – a “smoke-filled back room” where bare-knuckled deals are hammered out between rival parties. Rather the process of negotiation is much more broadly defined. A negotiation is really a communication process between two or more parties. This process may range from an open and cordial discussion with a free exchange of information as parties cooperatively seek to satisfy common interest(s) to something closed and adversarial, where information is hoarded as parties fight to satisfy only their own position(s), and if needed, destroy the opposite’s ability to achieve theirs. In the middle is a negotiator option where you “give some and gain some.”

A negotiation tries to resolve conflict. The conflict may be categorized as a conflict over “structure” (the process or how things get done), “data” (the interpretation of available facts, etc.), “relationships” (working through the real or perceived reputation of the other), “worldview” (how people see, assess and judge events around them, i.e. culture), and / or “priorities” (the importance people place on things or ideas). This conflict is not always bad. From the ashes of conflict can arise win-win solutions meeting interests of both parties. In many situations, conflict can actually motivate people to innovate and solve their problems. In popular terms: “Necessity is [often] the mother of invention.”⁴

Based on the above, let’s refine the definition. Negotiation is a process where “a conflict at some level exists between at least two parties and at least one of them is motivated to resolve the conflict.”⁵ The words in the definition’s second part “...at least one of them is motivated...” are chosen deliberately. It illustrates the point that often, at the beginning of a negotiation, not all parties are motivated to engage in the resolution process due to many factors, such as low trust, information, power and / or options (TIPO, an acronym discussed later in this guide).

Negotiating Preferences and Styles Chart⁶

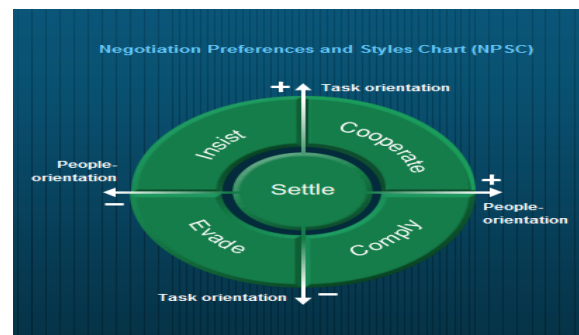


Figure 1. The Negotiation Preferences and Styles Chart (NPSC)

Choices in Conflict Management: The Relationship Between Task and Relationship

There are two variables that form the structure for determining your choice of the five negotiation strategies. Every negotiation involves some sort of task (problem) and requires the interaction of two or more people or groups (relationship). The two variables' relative importance (task and people orientation) to each other forms the framework used to visualize and understand the differences between the strategies. With the NPSC's two axes, after you assess the importance you place on the task and people orientations (see Figure 1 above), you can then visualize each variable's relative importance. From that, you may select a strategy reflecting those two variables. Since "words count" when building frameworks, a description of these variables is needed.

The first variable is people orientation, also called the relationship. In other words, how important is it for you to develop and/or maintain a productive, *trusting* relationship with the opposite (in this article, the other party in a negotiation is always referred to as the "opposite"). This should not be confused with a friendship. Although it may be beneficial, it is not necessary to like someone to work with them. However a positive value (i.e. a trusting relationship) in the NPSC means that you are willing to take into account the opposite's needs and desires concerning the topic of the negotiation *as well as* intending to provide the opposite truthful information and expecting to receive truthful information in return. On the other end of this spectrum, if you disregard or even want to harm the relationship, the relationship orientation variable takes on a negative value. This means you intend to *not consider* the opposite's needs and desires nor do you trust the information the opposite provides. Additionally, although you shouldn't lie to the opposite when providing information (adherence to standards of conduct, honor, and ethics should always prevail), you probably won't provide full disclosure, even to the point of being vague or in the extreme, mis-leading. A fine ethical line exists and due diligence is needed when negotiating in a "dis-trusting" environment.

Trust is central to the relationship variable – actively managing a trusting relationship (or disregarding the relationship) should be a deliberate decision. When deciding which strategy to pursue, the frequency of interaction is an important factor. For example, sometimes you may negotiate a "one-time" deal with little or no chance of ever re-engaging with the opposite. This might guide you to disregard the relationship as you pursue your goals. However, if interaction is expected to re-occur, perhaps in the agreement's execution, or if multiple negotiations may occur over a period of time, trust-building becomes much more important and may steer the strategy selection. Likewise, if maintaining your positive reputation is important, the relationship orientation variable may take on a high value even if multiple negotiations are not expected with the current "opposite." You might not ever deal with that "opposite" again, but you may be dealing with his / her friend, associate, or family/tribe member. The classic example is the local car dealer who prides themselves on honest deals and service for a lifetime. They will often accept a lower short-term profit to gain a long-term customer relationship. In DOD, "office reputations" ranging from he/she is "good people" to "what a piece of work – beware the dark side" can often predispose the working relationship, aka the negotiations. One final important consideration in trust building is the cross-cultural context of the relationship.

Another factor to consider when you assess the relationship's importance is how much you may need the opposite's involvement in the negotiation process. If you need the opposite's power (referent, expert, reward, coercive, position power, etc.) and/or you need the opposite's participation to develop potential options, you need a positive relationship. This will guide your strategy selection. Conversely, if you don't value the opposite's power (or you have sufficient power to act unilaterally) or you don't value the opposite's participation in the process (basically you have already determined the single solution and have the ability to impose the solution), your people orientation may be low or negative and this will guide your negotiation strategy selection.

The second variable is task orientation. In the NPSC, task orientation refers to the importance of resolving the problem to meet your needs. In the military context, it is getting the mission done. A high task orientation means that you are very motivated to resolve the problem in a way that satisfies your interests. Conversely, a negative task orientation means that you don't seek a positive resolution to the problem (perhaps you are satisfied with the status quo), you have no preferences with any of the possible solutions on the table (anything would work for you), or you may not understand the problem (have poor task/mission clarity).

It is understandably difficult for military leaders to imagine a time when they would not seek immediate "mission success." Past operational environments fostered this singular thinking. Today's and tomorrow's more complex environments now present a situation where only "getting today's mission done" could result in a negative value. Your mission directive may allow you the flexibility to decrease your emphasis on the immediate task orientation to gain the actual objective in the longer term. Not forcefully imposing a solution today that demands absolute compliance may allow you and the opposite an opportunity to discover a cooperative settlement in the future. This is illustrated below in the discussion of the five negotiating strategies.

The Best Alternative to a Negotiated Agreement (BATNA)⁷

BATNAs are elegantly simple in concept, but notoriously difficult to execute. A BATNA is the option a negotiating party might execute should the negotiations fail. The key is that the BATNA must be executed *without the involvement of the opposite*. A BATNA is not the negotiation's "bottom line" – a BATNA is something you may wish to do if an acceptable "bottom line" cannot be achieved during the negotiations. You should always know and update your BATNA and always estimate (and update) the opposite's BATNA. Also, seek ways to improve your BATNA and make the opposite's BATNA less valuable.

There are three keys to determining a valid BATNA:

- It must be an option that you can execute unilaterally (without any action or interaction with the other negotiating party). A BATNA is not a BATNA if it requires the participation of the opposite.
- It must be a real option. It must be something you can and would want to do (have the time, resources, and will to execute).
- Finally, it must be perceived as credible by the opposite. You may believe you will execute your BATNA, but unless the opposite also believes your BATNA's credibility, it is useless. As an example, if you are negotiating with other base personnel on an office move, and it is getting nowhere, a strong BATNA would be that your current office space is adequate to do the mission, and it is available for the foreseeable future. A weak BATNA would be that your current office

area is cramped, the electrical system unsafe, and it is due to be demolished in three weeks. A useless BATNA is telling the other side your current office space is adequate to do the mission, and they know the contract to demolish your building was just awarded and begins in 14 days.

BATNAs may change during the negotiation as information and conditions change. For example, you may be looking for a new car with a good BATNA (your current car is in excellent condition). However, your BATNA would change considerably if your car got sideswiped in tomorrow's commute.

BATNA is brought up here before the detailed discussion of the five negotiating strategies because it is a useful tool in four of the five strategies (Insist, Evade, Settle, Cooperate but not Comply). Of note, in the Cooperative Negotiating Strategy (CNS) there is an extra effort to identify and manage both sides' BATNAs. Additionally, since CNS has relatively more engagement (in both depth and duration) than the other strategies, there is an opportunity within CNS to better manage BATNAs (i.e. work conditions to strengthen your BATNA or weaken the opposite's BATNA) In short, BATNA has applicability in many negotiating strategies, but can be exercised to its fullest potential using the CNS.

BATNA Bumper Sticker: Always know and protect your BATNA– always work to estimate and influence the opposite's BATNA

Trust, Information, Power and Options (TIPO) Analysis Framework⁸

Before describing the five NPSC strategies, a simple framework may help you assess your situation which, in turn, will guide your NPSC negotiating strategy selection. Also, the TIPO (pronounced "typo") framework can help you understand the negotiating strategy that the opposite may be using with you. The TIPO framework models how trust influences your use of information and power, and how information and power influence the way you develop options to solve the current problem.

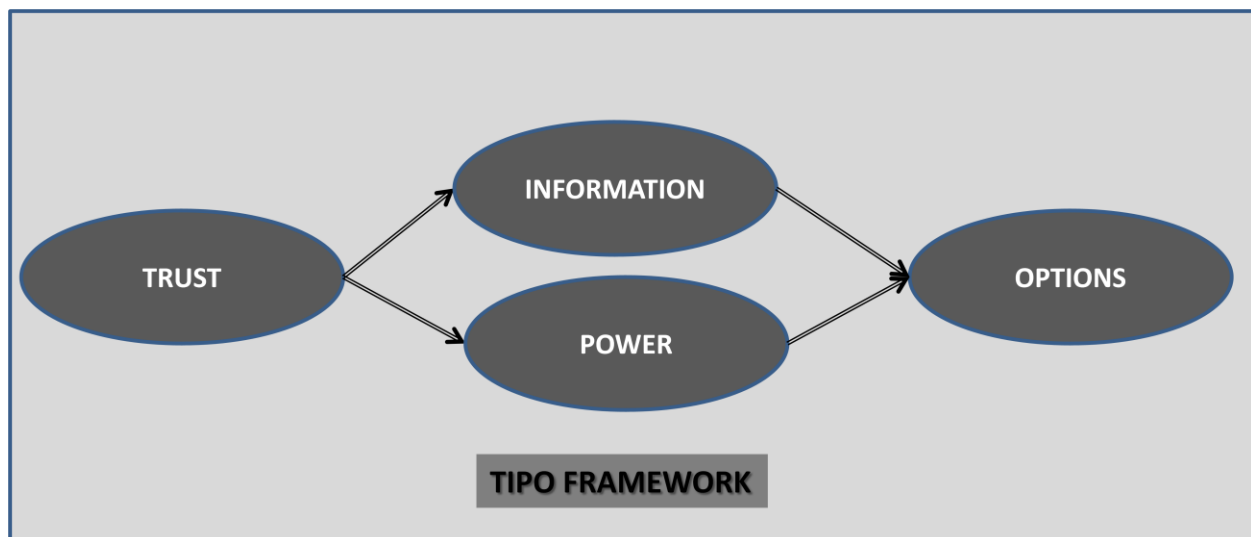


Figure 2. Trust, Information, Power, and Options (TIPO) Analysis Framework

TRUST

To start TIPO, you assess the type of trust between you and the opposite. In this discussion, trust is defined as your belief /evidence that the opposite's interactions with you are genuine and truthful. The more belief /evidence you have that the opposite's interactions are genuine and truthful, the more trusting you are of all the opposite's actions and intentions. Trust does not equate with confidence. Sometimes you may have high confidence that the opposite is trying to deceive you – that might be a good thing to know if you intend to negotiate with them. Usually, high trust is associated with positive outcomes, such as believing the information they provide you is accurate or knowing they will run the meeting according to the agreed agenda and not blindside you. Knowing how to detect trust is a challenge, but must be mastered.

Trust may be categorized into at least two major categories; trust in a process or trust in a person. Process trust exists when both parties believe in and have faith in an institution that will support the negotiations process. For example, process trust can exist in a real estate negotiation when both parties trust that banking and real estate laws will support whatever agreement they develop. They do not have to know each other to have trust in the process. Process trust also exists in the military culture, such as the Inspector General complaint system, equal opportunity policies, Air Force Instructions, etc. These provide a basis to support agreements between two people who don't know each other. The most fundamental process trust in the military is the culture's trust in its Core Values – Integrity, Service and Excellence.⁹ Many negotiated agreements between two military members who do not know each other are based on the belief that the opposite will adhere to these core values in their dealings with you.¹⁰

The other form of trust is personal trust. This form of trust is independent of any reliance on an institution and / or third party. It is established at the most tactical level – between two people. Trust can either be assumed, as when military people who share in their service's core values first meet each other, or is earned, through proving themselves trustworthy in deed (meeting obligations) and/or word (being truthful).

Building this interpersonal trust is usually done through the “small things.” Checking on an opposite's reputation, observing the opposite's non-verbal communication, and seeing how they deliver on minor items such as punctuality, clarity in their communications, etc., are all tools to help assess your trust in them. Caution is warranted here because you must assess trust through the opposite's cultural expectations. For example, if you are dealing with a culture with a different perspective on time, you might misinterpret their late arrival to a meeting as “tardiness,” when, in their culture, they were on time; it was a happenstance encounter with an old friend on the street outside your office that delayed them. Non-verbals are also culturally sensitive. Direct eye contact might be seen as a positive thing in many cultures, but also as being aggressive in other cultures. Also remember in the military context, personal trust will also reflect the opposite's chain-of-command – they may be a trustworthy individual, but their directive may not allow them to build a deep relationship. Bottom line is you need to understand the culture you are dealing with first, and then assess whether the opposite's actions are really trustworthy.

Trust-building measures are another tool to help you establish and/or validate trust. Trust-building measures are small steps taken at the beginning of the relationship demonstrating the honor of your actions. These steps help set the expectation of honorable exchanges between you and the opposite. Trust-building measures can be simple actions, such as providing good information in a

format and style the opposite understands, delivering on any promises made, and taking a genuine interest in the opposite both as a person and the problem they are dealing with. Trust-building takes time and cultural awareness. However, once established, trust helps facilitate more effective communication and potentially more effective problem-solving down the road.

In most negotiations, both parties rely on some form of both process and personal trust is usually relied on. The amount of reliance is based on cultural perceptions (some cultures have almost no trust in central processes like law and banking and conduct business only with personal trust), structural issues (the existence and consistency of processes within or between cultures) and/or the level of intimacy a culture allows between people (some cultures limit interaction between people, thus personal trust-building may be more difficult). As a benchmark, Americans usually believe in process trust. Many traditional cultures (such as African, Arab, South American, and Asian) usually emphasize personal trust.

INFORMATION

The level of trust directly influences the next segment of the TIPO framework, information. If you trust the information presented is truthful and complete, you have a greater range of negotiating strategies available (to be expanded upon later.) If you believe the information is incomplete, incorrect, or even intentionally deceitful, you must make decisions on whether to use third party sources to validate, directly confront the opposite with your concerns over the information, and / or decide the information should not be part of the current negotiation. In the extreme, total information trust would mean you are fully willing to totally disclose all you know and expect the opposite to do likewise. This rarely occurs – for example, no matter how much you trust your car dealer, you will never show him/her your bank balance. However, many trusting relationships do allow for great amount of disclosure during the negotiations, to include, at times, revealing unpleasant or unpopular information. Conversely, if you have no trust in the opposite's information, then you must decide if you want to use other sources to validate the opposite's information or disregard the opposite's information and negotiate based only on what you know. This will influence the negotiating strategy you pursue, and will impact the amount of power you need to draw upon to execute your strategy.

POWER

Power comes from many sources in a negotiation. The most predominant forms of power are:¹¹

Expert: having expertise in either how to do a process or expertise in a certain subject matter gives you power. For example, in a FOB civil engineering meeting about electrical grids, the deployed electrical engineer probably has tremendous influence, especially if the other people in the negotiation trust that the civil engineer's information is accurate and valid.

Referent or charismatic: People give you power because they either have a high identification with and / or respect / admiration for you. They simply agree with you because they would like to be like you.

Position or Legitimate: This is self-evident in the military context. Position or legitimate power is the power available to you when others see your authority as legitimate / legal / acceptable.

Coercive: People having the perceived potential to harm or withhold a reward from another have coercive power. Often seen as the “stick” in the “carrot and stick” analogy, this power’s key feature is it must be perceived as real in the person being influenced. If you have all the firepower in the world, but no authority to discharge a single weapon, the coercive value of this power is nil.

Reward: On the “carrot” end of the “carrot and stick” analogy is the power to reward action. This too must be perceived as legitimate in the person you are trying to influence. Reward power may also be punitive if you reward someone who will ally with you against the opposite – thereby giving you more power. For example: If you can award security badges allowing for free movement in an area, and access to these badges benefits the holder, then awarding these badges to the opposite’s competitor is an exercise in reward power, but used to possibly coerce the opposite into complying with your interests.

Influence: This is a combination of reward and coercive power. In essence, you are developing power by working with others. You build temporary or permanent coalitions by influencing others to join your cause or abandon the opposite’s cause. This type of power is often used in multi-party negotiations when several parties band together to do something they could not do on their own. We often see governments with multiple, fractured political parties build coalitions to help pass legislation.

Of these different types of power, you need to assess what types of power are available to you, what types of power are available to the opposite, and how is your power perceived by the opposite. It does little good to walk into a meeting thinking you have referent power, just to find out the opposite succumbed to a vicious rumor that discredits you and your negotiating efforts. Trust will impact the amount of power you should use in a negotiation. With exceptional levels of trust, power may be actively shared, i.e. you may have expert power on a topic, but are fully willing to listen to the opposite’s perspectives on how to solve the problem. George de Mestral, the inventor of Velcro, was not an accomplished engineer, but he eventually, after some laughter from the “experts,” convinced a French fabric company to produce his concept. This company was a textile industry leader, but rather than using this expert power unilaterally, they shared their power with this relatively unknown inventor – and both became rich.¹²

On the other hand, if you have low trust in the opposite or you believe his actions are against your interests, you may liberally apply power to overcome them. You may use your expert power to discredit whatever data they bring to the table, a tactic familiar to trial lawyers. You may use your process knowledge to derail their efforts. You may also threaten them with coercive consequences if they do not agree with your plan of action. In essence, power can be shared or hoarded, all depending on the type of trust you have with the opposite.

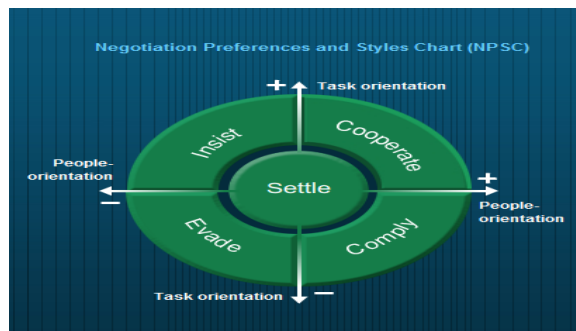
OPTIONS

Your final piece of this assessment framework uses the foundation of trust and the influence of information and power to develop negotiation options. Options are just different ways to potentially solve the problem. The options may be easy or hard, cheap or expensive, but they are all nevertheless options. Option building requires two elements: first is defining the problem that needs solving and second is identifying possible resources (information, power, time, people, money, etc.) that may be applied to solving the problem. Usually when more resources are available, more options can be developed. Note the first two words in the previous set of

parenthesis were “information” and “power.” Information is key to developing options and power is key to making the options “operational.” The more trustworthy information you have from and about the opposite, the greater the range of possible options. A trustworthy opposite can provide a perspective you have not considered. Going back to the Velcro example, many people in the late 1940s were trying to improve fastener technology beyond the button, the zipper, tape, and glue. People wanted a strong, yet temporary bond, especially between fabrics. If the companies that first dealt with Mousier George de Mestral had trusted his information and shared decision-making power with him, they perhaps could have seen what he saw, and reaped tremendous profit. He saw mountain thistles clinging to his beloved pet dog with an amazing tenacity. Perhaps all the fabric company leaders saw was a mangy mutt. However, the final company, the one that worked with Mousier de Mestral, took his idea and combined it with their ideas on manufacturing technology. Together, they took fabric fastening technology to the proverbial “next level.” They developed options together that neither could do on their own because they decided to share power and information, thus coming up with novel options.

Conversely, when trust is low between parties and power is hoarded and / or information is not considered truthful, option development becomes narrowed – in the extreme it narrows to the information you have on hand and the power you have to operationalize that solution, possibly over their objections. This imposed solution is a form of negotiations, and it does have its time and place, especially in the military context. However, as will be developed in the following sections on NPSC negotiation strategy selection, it may lead to suboptimal results and/ or significant problems in execution and/or follow-on negotiations.

NPSC: Negotiation Strategy Selection



The following five strategies combine the two variables (task and people) as seen above. It is important to note, all five strategies have value and serve a purpose. Because negotiations occur in such a wide range of circumstances, no single strategy will cover all the variables. Just as in golf, picking the right club for the shot tends to improve your score. The same holds for negotiating, selecting the most appropriate strategy for the situation should improve chances for success. When the situation changes, a change in strategy may also be prudent.

In addition to the task and people variables, a TIPO factors assessment is also addressed in this section. Picking up on variances in TIPO helps guide the selection and execution of a particular strategy. Additionally, since trust, information, power, and options can and frequently do change during a negotiations, awareness and critical evaluation of these changes can guide your shift in strategies, if needed.

EVADE STRATEGY: The Evade strategy is a passive, unassertive strategy where you do not have any motivation to work your expectations or meet their expectations. When might you choose to “evade” or “kick the can down the road”? Evade works if the issue at hand is totally unimportant to you, if you have higher priorities, or you lack the energy and drive to tackle the problem. Often the status quo is actually preferred to any envisioned solution. Also, you may use the Evade strategy if you are faced with an overwhelmingly competitive opponent and this forestalls an outcome that would definitely not satisfy your needs.

In assessing TIPO, the Evade strategy may be appropriate when:

Trust: When trust is low, to the point you believe the opposite is not willing to work with you or you believe they intend you ill will, the Evade strategy may buy you time. The passage of time may allow for conditions to change in your favor.

Information: With low information, either you have too little information from the opposite to work the issue, are not motivated to gain the needed information, or don’t trust the information you do have. Sometimes the information you have may discourage you from engaging in the issue, even if the opposite is interested in engaging.

Power: You have little or no effective power. Especially if your available instruments of power are being diverted to tackle other pressing issues.

Options: To develop options, you need resources. In this situation, where trust and power is low, your option is limited to what you can dream up on your own, trusting only the information you can validate. Often, this results in a situation where the status quo is not only better than any envisioned outcome of the proposed negotiations, but your only available option, since you have no power to engage the opposite. The Evade strategy may be a good strategy, especially if you can change the conditions down the road that would allow for the development of more palatable options.

Evade Example: You discover that if you currently engage with the opposite, their solution would be worse than your status quo, and you do not have the power to influence the process if you choose to engage. In this situation, it might be prudent to use the Evade strategy, and delay action, while you work the situation to make conditions down the road more favorable to your engagement in negotiations. This might be a delaying tactic to get better information, gain more allies in your cause (more power) or to better investigate possible flaws in the opposite’s proposals. In negotiating a staff package with an opposite in conditions as those above, and you have no immediate ability to improve trust and work things more cooperatively, and your suspense is later than their suspense, then you might “wait them out” and see if they become more amenable to your needs as their deadline approaches before yours.

Essentially, the Evade strategy is a delaying action and avoids any immediate meaningful negotiations and seeks neither a “result” nor the development of a “relationship.” Although this approach “manages” the conflict, it doesn’t seek to resolve it – its usefulness is extremely limited. Using this strategy, however, must be balanced with what you anticipate the opposite might use on you. See Table 1 below for some insights on how strategies might play out between negotiating parties.

Evade Strategy Bumper Sticker: “Not now, can you come back later?”

COMPLY STRATEGY: The Comply strategy tends to delegate the responsibility for the conflict's resolution to the other person or party. This (along with the "Evade" strategy) is a passive approach to negotiations. This strategy is preferred when preserving the relationship between you and the other party is the paramount concern even if it is at the "expense of the task." The result of this strategy is that the more assertive party gets what they want and you, as the compliant side, gives up whatever is at stake or grants a concession to the opposite.

In assessing TIPO, the Comply strategy may be appropriate when:

Trust: In assessing the situation, if there is a trusting relationship between the parties, and there is a desire to continue trust-building, then the Comply strategy may be appropriate.

Power: If you have little power, or the power you do have is not perceived as legitimate by the opposite, then your negotiating strategy choices are limited to what the opposite will allow you to accomplish. However, you can be in a situation where you have high trust and no power. This means you seek to work with the opposite, even to the point where the outcome may be worse for you than the status quo. You may also have sufficient power to deal with the issue, but need to devote that power to a more critical task.

Information: You may have information, be willing to share information, and have the opposite trust your information (and you trust the opposite's), but it is of little benefit to you because the balance of power heavily favors the opposite. This doesn't mean the opposite will necessarily bludgeon you with this imbalance in power, although they have the ability to do that. It means you cannot initiate or follow through on any implementation without the cooperation of the opposite.

Options: Under the Comply strategy, options are lop-sided in favor of the opposite. This does not always mean a bad outcome for you. If one of your interests is to build rapport and goodwill for relations and negotiations later on, then the comply strategy may help you build it. When employing the Comply strategy, you must however carefully evaluate potential impact on long-term relations. If you are quick to comply, for example, your opposite may see it as a sign of weakness that will set a challenging stage for future negotiations.

Comply Example: Often, when dealing with a spouse, the Comply strategy builds "points" with the spouse – it helps advance the relationship. For example, after a career of multiple and short-notice PCS moves, long deployments, living on base or in "interesting" off-base housing, and your spouse putting their career dreams on hold while you fulfilled yours, the decision as to "where to retire" looms. If you want to advance the relationship, build more trust with your spouse, allow them to pursue their career dreams and are flexible with your choices of where to live (essentially you can live everywhere), you might adopt the Comply strategy and agree to the retirement location of their choice.

Comply Strategy Bumper Sticker: "Yes, Absolutely, let's do it your way!"

INSIST STRATEGY: The Insist strategy is useful when you believe that obtaining your objective is paramount, regardless of the cost to the opposite's interests or the relationship. The Insist strategy is usually associated with a position and declared with a demand that leaves little

room for movement and / or compromise. Information is usually hoarded and withheld. Relationships are usually put at risk and any long-term negotiating relationships are difficult to maintain. This style is preferred when a “winner takes all” requirement is sought. Usually the Insist strategy is used when there is a single issue (like price or security) and the possibility of future interaction between the parties is unlikely or winner’s residual power after the negotiations will allow for more use of the Insist strategy. The Insist strategy is quick, and there’s usually one outcome: one party “wins” and the other “loses.” At issue is which party gets to play the victor or the vanquished. Usually, the party with the greater amount of power is the victor. We also describe the Insist strategy as a zero-sum or distributive process where there are a finite number of “chips” to be won—and each party wants to be the sole winner.

Some suggest this winner-take-all approach is a misunderstanding of negotiations. It is not a misunderstanding, but a specific strategy available to achieve specific goals. The value of this strategy lies in appropriately selecting it to meet the conditions. Because it is short-sighted and does not consider relationships, etc., once the confrontation is won, the opposite is not likely to deal with you again or perhaps not willing to execute (or create problems in) executing the agreement you just imposed. The Insist strategy perhaps requires the most careful monitoring of the post-agreement compliance.

In assessing TIPO, the Insist strategy may be appropriate when:

Trust: Trust either do not exist, is not needed or is not valued. Simply put, the Insist strategy declares that what is at stake is not IF you win, but HOW MUCH you will win.

Power: The Insist strategy requires overwhelming power. In the assessment, you must consider not only the power you need to win the negotiation and defeat the opposite, but to also have sufficient power to ensure the agreement is executed. Too often, you might use all your power in the negotiations to dominate the opposite, only to have the execution fail because the opposite, in the execution phase, has more power than you, or has built a coalition of power to resist your ability to enforce the agreement’s terms.

Information: Similar to the conditions in the power discussion above, your situational assessment reveals that you do not need and / or do not trust their information. Your assessment is that their information may be truthful but of no value or the information is suspect and thus worthless to you. You are assuming you have all the information needed for a clear decision and the information you have is of sufficient quality.

Option: Option development under the Insist strategy is one-sided – your side. Since trust is low, power is high, and the opposite’s information is scarce or not valued, you are essentially negotiating with yourself to come up with the preferred solution to meet your interests and ignore, either intentionally or unintentionally, their interests. An Insist strategy may be appropriate in a crisis, when time is short and even though you might trust the opposite, there is not enough time to gather information, share power and take the time to mutually develop options for consideration as potential solutions. “People are dying, aircraft are crashing and / or buildings are burning down”¹³ situations may call for quick action with little or no consultation. In this strategy, official power is needed in quantities sufficient to execute the solution. Often in a crisis situation, the Insist strategy predominates at the outset, and then as the crisis subsides, other negotiating strategies are adopted to develop and execute a more durable, long-term solution.

Insist Strategy Bumper Sticker: “Take it or Leave it” or “Today -- Do it My Way!”

SETTLE STRATEGY: The Settle strategy may be an option when you seek resolution to a situation, but see little chance for you to really get it “your way” (e.g. the Insist Strategy) or you don’t want to “give in” (e.g. the Comply Strategy) to the opposite. By using the Settle strategy, you may minimally satisfy both side’s task interests through the process of compromising on whatever difference separating you from the opposite; usually in the form of splitting the difference “...somewhere down the middle”. The Settle strategy usually opens not with a demand (a hard position with no wiggle room), but a softer “offer” (a position leaving some room for you or the opposite to maneuver the other to a solution). Each party “gets something”, but usually not what you really need or what fully satisfies you. Additionally, the people orientation is not strong, as you expect the opposite to take care of their interests as you are taking care of yours. It is not antagonistic, neither is it nurturing.

Settling usually results in a quick negotiation (Settle is an efficient process), but rarely an optimal outcome (Settle is usually not an effective process). Also, the Settle strategy is usually most useful where only one variable is at stake or being considered (like price). A quick tutorial on the Settle strategy is available in any segment of “Pawn Stars” or “American Pickers” series on cable television. Observe how they intuitively use TIPO in these cable television programs.

In assessing TIPO, the Settle Strategy may be appropriate when:

Trust: A certain amount of trust is needed to use the Settle strategy. It will impact the way you perceive power and information. Sometimes trust can be found in the process, like a third party (examples are Blue Book or Edmunds.com for vehicles or Zilla.com / public tax records for estimates of property values).

Power: When power is evenly divided between parties, and trust is not high, the Settle strategy allows both parties to exercise some control over the process, but not to the total detriment of the opposite. In this situation, especially when expert and / or official power is diffused (there are experts and / or rank on both sides of the negotiation), compromises are necessary because neither party is willing to either move to the opposite’s offer or take the time to explore options, as in the Cooperative Strategy.

Information: Because there is some trust, you perceive the opposite is providing reasonably accurate information, although you are not sure if they are partially or fully disclosing information. Because trust is neither strong nor weak, you protect yourself by slowly metering out your information to them. This is usually observed by the tradition of “I’ll come down \$5.00 if you’ll match me” back and forth bargaining style until the total difference is somewhat evenly split. Caution is advised, because the tradition of equitably splitting things “50/50” is culturally dependant. Some cultures expect the two parties, regardless of their background or means, will split the differences evenly. In other cultures, parties from different social classes may have a different expectation of reciprocity when dealing with each other and / or with Americans.

Options: Option development is somewhat limited, but is based on your perception that there is some element of trust, a belief that the opposite’s information is truthful (perhaps incomplete, but accurate), and some acknowledgement that neither side has the power to unilaterally conclude a deal. You also acknowledge that all the interests needed to drive home a

deal don't lie with you and you must consider some of their interests. In the Settle strategy planning phase, you still determine what you need, but then establish some wiggle room between what you would like to settle for (aspiration point) and what the worst you would agree to (reservation point). The range between the aspiration and reservation points is your bargaining range. The same goes for the opposite if they adopt the Settle strategy. They too have aspiration and reservation points. To illustrate, say you see a car on EBay – the seller is willing to let it go for "...\$25,000 or best offer". You only want to pay \$20,000 (your aspiration point), but would be willing to pay up to \$23,000 (reservation point). The seller's "Buy it Now" price (opposite's aspiration price) is \$25,000, but deep down inside, they have information on other on-line auctions where similar cars were moved for as little as \$22,000. So they are also willing to move it for that amount (their reservation price). Your bargaining range is from their reservation price (\$22,000) to your reservation price (\$23,000).

Settle Strategy Bumper Sticker: "Let's just split the difference and call it a day"

COOPERATIVE NEGOTIATION STRATEGY (CNS): CNS is the Air Force Negotiation Center of Excellence's (NCE) enhanced version of the business world concept known as "Interest-Based Negotiations (IBN).¹⁴ CNS depends on each party's desire to achieve both a mutually satisfactory outcome while simultaneously managing the relationship. For this to occur, trust must exist between the parties and they must be willing to share information and decision-making power and suspend judgment on possible solutions. The AF NCE also suggests that all five NPSC negotiation strategies are "interest-based" – and none should be disregarded when contemplating or executing a negotiation. For example, in certain situations your "interests" must predominate (such as using the Insist strategy in a crisis) or in other situations, your interest may be for the opposite to "have it their way" (using the Comply strategy to help build a relationship), etc.¹⁵

CNS, however, has the potential to address multiple issues within a negotiation. The basic premise is that the "game" is not inherently zero-sum, as in the Insist Strategy, but there is a potential to create new value for each party involved while building an enduring relationship to handle the inevitable problems that crop up during in executing nearly every negotiated agreement. CNS is particularly effective in a diverse situation – such as the military environment. Agreements in the military must be reached with people and groups that are often very different —culturally, socially, politically, etc. To get beyond the obstacles to an agreement, CNS suggests focusing on the underlying, basic, and perhaps common, interests behind each party's initial positions. From these interests arises the potential to also find common ground and generate opportunities to create new value. Reduced to its essential, CNS proposes that two groups working together will come up with a solution qualitatively better than what either party could generate on their own.

In assessing TIPO, the CNS may be appropriate when:

Trust: A great deal of trust must exist for CNS to succeed. Although process trust may be evident, personal trust is also critical, because CNS is based in sharing information and power. Trust building is a foundational tool of CNS.

Information: The amount and level of information revealed is based on the strength of the trust between the parties. With stronger trust, more information can be freely and reliably shared. In the ultimate, full, unconditional trust (primarily personal trust) could result in the revelation of deep secrets that you would never otherwise divulge. However, process trust could also result in

full disclosure, such as an institutional assurance that everything you say in a negotiation would be confidential information and any public disclosure of information by the opposite would result in punitive action against them.

Power: With great levels of trust, defensive mechanisms are not as important and people feel less vulnerable to manipulation. Lowered defensive mechanisms means you are willing to share power, both in the negotiation process and ultimately sharing power in selecting the option to be executed. At times, you may select an option that more completely satisfies the opposite's interests, knowing that in execution, you trust they will be looking out for your best interests if something unusual should arise.

Options: Because there is an exchange of information, there is also an exchange of ideas – resulting in multiple ways to possibly solve the problem under consideration. CNS works best when parties to the negotiation develop multiple options and then explore which of the proposed options, either in its original or modified form, might best solve the problem. Unlike the Insist strategy, where there is only “*my way to solve my problem,*” CNS might find “*our way to solve our problem.*” Ultimately, one option must be selected for execution, but that option was selected from a pool of likely candidate options that were *mutually developed*.

Key CNS Features: The following sub-sections highlight concepts that are especially useful when considering CNS. To help develop these concepts, we often contrast CNS with examples using the Insist strategy. This was intentional, because DOD leaders are most familiar with the Insist strategy.¹⁶ This is not an error. Military doctrine, training and culture re-enforces decisive action – an essential element of a hard-power culture. This is not to discredit the use of the Insist strategy or the need for a hard power culture – every one of the five negotiating strategies has its time and place. The Insist strategy is used here as a familiar benchmark for comparison with the CNS.

CNS Changes Negotiation from a Contest of Wills to a Search for Solutions: By focusing on the problem while actively managing the relationship, CNS gets you to treat disputes and issues as problems to be mutually solved rather than a contest of wills and personalities between you and your opposite. It shifts the negotiation dynamic away from the primary focus of making concessions, the Insist strategy's hallmark, to a genuine search for solutions where both parties get their interests met (win/win solutions).

CNS not only Focuses on the Problem but Actively Manages the Relationship: A key to actively managing the relationship is that friendship is not a necessary goal. In a negotiation, you do not have to like your opposite, but you need to respect them, and they need to respect you. Respect helps develop trust, which helps open communication channels so that information about interests may be shared and used to develop potential solutions. Searching for solutions as a cooperative venture rather than a competitive sport, it shifts the negotiation dynamic away from an Insist strategy, where concessions by the weaker side to the stronger side are expected. Key in the military context is finding ways for leaders to properly identify what the problem really is all about. It is one thing to say in the business world that you need to negotiate the delivery date of a shipment of parts. It is quite another matter for two military leaders, who at one time were fighting each other in a conflict, to see eye-to-eye on a matter such as “security,” or “capacity-building,” etc.

Actively managing the relationship means paying attention to the opposite's reactions to your inputs, both verbal and non-verbal. For example, if you propose an idea and the opposite

crosses their arms and / or rolls their eyes, engage them with a question. Something like “I think you have some issues with this idea, can you help me understand what they might be?” Also pay attention to what they are saying. If they propose something that is clearly out-of-bounds by most standards, ask questions as to why they proposed the idea. Something like “Wow! Talk about out of the box thinking! I never saw that one coming. Can you tell me what you considered when you proposed this idea?”

CNS Focuses on Finding the Underlying Interests: CNS recognizes that parties’ underlying interests are at the heart of the dispute. It recognizes that it is more important to the negotiation that the parties know WHY they want something (the interests) rather than focusing on just WHAT they want (the position). The interests are the underlying desires, values, concerns, fears and limitations that motivate the parties to posture over their positions. CNS requires each party to focus on their own interests AS WELL AS focusing on uncovering and understanding the opposite’s interest. Critical to this discovery process is not only identifying and sharing interests, but also prioritizing which interest is most to least important. This will become important during the negotiation’s solution selection phase.

CNS Allows for Solutions Based on Differences: CNS recognizes parties have differing interests, priorities, preferences, and organizational needs. By uncovering these varying interests and preferences, parties can better search for solutions to satisfy their priority needs. The search for options changes negotiation from a pattern of concessions to a genuine problem solving search and find the best solution to meet both parties’ differing interests. For example, a systems operator might want fully mission-capable equipment and a systems maintainer might be interested in providing minimally-capable equipment, based on his / her severely constrained maintenance personnel and parts resources. Both are interested in generating equipment to get the mission done (this is the underlying common interest). In exploring options, the two leaders may develop an option which generates a partially-capable piece of equipment, but sufficiently capable to meet the operator’s mission requirements.

CNS Recognizes that Information Sharing and Critical Thinking Are at the Heart of Problem Solving: CNS rests on a skill set that includes open communications, active listening, and critical thinking. These skills are needed for parties to understand perceptions of events, interests, priorities and possible options to enhance the search for viable solutions. CNS information sharing is in sharp contrast to the tendency to withhold and manipulate information that characterizes some other negotiating strategies.

CNS Focuses on Expanding Solution Options (Expanding the “Pie”):¹⁷ An Insist strategy conceives of negotiation as a competitive sporting event and seeks a win-lose outcome (“what I gain on the field, you lose.”). Such strategies create a battle of wills rather than a meeting of the minds. In contrast, CNS allows parties to conceptually sit side-by-side to search for value-creating opportunities. They literally have the potential to create new solutions that neither of them could have imagined on their own. By focusing on expanding the solution field and creating as much value as possible, the division of the expanded pie becomes more reasoned and logical, rather than simply being a result of manipulation and hard-ball negotiation tactics.

For example, in a deployed situation, a DOD leader was negotiating with a local person for water deliveries. The local vendor was trustworthy, had a strong reputation, and a good relationship, but the negotiations stalled. The vendor insisted on and continued to tell the story

about his family in the nearby village and how they could not get the annual crops into storage because their small truck had been damaged beyond repair (he claimed coalition action damaged the truck). The vendor's top interest was the family while the DOD leader's was water. By using critical thinking questions and actively listening, the DOD leader worked with the vendor and discovered that for a few extra liters of diesel fuel, he could allow the vendor to move the empty trucks past the farm fields, load the crops, and take them to the storage area on his way to fill up the truck with the water shipment. In exchange, the vendor sold the water at a discounted rate. It was a win-win. Had either party stuck to their "positions" (water and crops), and used the Insist strategy, a solution might have been out of reach.¹⁸

CNS Focuses on Using Some Sort of Objective Standards and Legitimate Reasons in the

Option Selection Phase: Once parties have expanded and created possible options for solutions, the pie must still be divided. Where the Insist strategy relies on posturing on many fronts to divide the proceeds, CNS asks parties to find standards that justify the inevitable divvying-up that occurs in most negotiations. Which option to select can become problematic in the military environment because so few "industry standards" exist (there is no benchmark such as "Edmunds.com" for military decision-making). The AF NCE suggests that parties agree to select the option best meeting each negotiating party's top interest(s). This has the secondary benefit of getting parties to reveal *and prioritize* their interest(s) early in the negotiation, since they will be using those prioritized interests to select the best option to execute.

CNS Bumper Sticker: "Let's work together and come up with an even better idea"

Some Negotiating Pitfalls Common to any Strategy: Below are some pitfalls that might derail any negotiation. You should always keep these pitfalls in mind as you select a negotiating strategy, plan for the negotiation, and execute the negotiation.

Neglecting the Opposite's Problem: The first mistake is to focus on your own problem exclusively. You need to also understand the problem from the opposite's perspective. Most people have difficulty understanding the opposite's perspective, and overcoming this self-centered tendency is critical. Always try to put yourself in the other person's shoes and try to understand, in depth, what they really need out of the deal. If you want to change someone's mind, you should first learn what they are thinking. Then you can build a bridge spanning the distance from their current position to your envisioned end point. The best tool for doing this is to actively listen and follow up the opposite's conversations and contributions with a series of critical thinking questions to help deepen and clarify the message (A critical thinking question is any question that *cannot* be answered by a "yes", "no", or "maybe". The 5 "Ws+" are great critical thinking questions [Why, Who, What, When, Where, How Much, If, etc.]).

Letting Your Positions Drive Out Your Real Interests: People have a built-in bias toward focusing on their own *positions* in negotiation over reconciling deeper *interests*. Remember, a position is what you want, an interest is why you want it. For example, demanding a certain suspense date on a staff package (position) from a subordinate unit without good insight of when your HHQ might negatively impact your real interest which is probably quality staff work so a good decision can be made. Creating new value by reconciling your real interests with the opposite's interests requires patience and a desire to research the opposite, ask many questions, and actively listen.

Searching Too Hard for Common Ground: We negotiate to overcome the differences that divide us. Typically, we are advised to find win-win agreements by searching for common ground, and this concept is valuable. However, some of the most frequently overlooked sources of value in negotiation arise from differences among the parties. Remember, “In difference there is strength.”¹⁹ Finding out in what ways and why you and your opposite approach problem solving differently (attitudes toward risk, saving face, time, control over the future, allegiances, priorities, etc.) is at least as important as identifying areas of common ground. Remember the water vendor, the solution was found not in ignoring the differences, but exploring how the differences could be linked.

Neglecting BATNAs: A BATNA reflects a course available to negotiating parties. Know yours; do not forget theirs. Do not inadvertently weaken yours. The better your BATNA appears to you and them, the more leverage it provides you. In the military environment, you often do not have a great BATNA – mission failure simply isn’t an option. But mission failure most likely is not an option for your military counterpart – and is a point you can leverage. If you come to an impasse in the negotiations, a conversation between you and your opposite about BATNAs might be motivational. Something like: “We’ve made so much progress, but we are hung up on this item. I don’t want to go back to my boss and tell him we couldn’t work this out. How do you think your boss will react if you have to tell him the same thing?” In cultures where face saving is important, the realization of this possibility might motivate your opposite to work more closely with you towards a solution.²⁰

Failing to Correct for Skewed Vision: First, people tend to unconsciously interpret information pertaining to their own side in a strongly self-serving way; they get caught in “role biases”. Getting too committed to your point of view is a common mistake (never fall in love...with your ideas!).²¹ Second, is the concept of partisan perceptions. While we systematically process our own side’s critical information, we do not carefully assess the opposite’s critical information areas. In short, we tend to overvalue our information and undervalue theirs. This can be corrected through self-awareness and seeking outside or third-party inputs and views. This often happens when there is a dispute over the value of an item – just watch the next episode of Pawn Stars to get insight on how sellers overvalue their “stuff” and how Rick Harrison consistently undervalues the same “stuff”.²²

Summary

A quick Google search will reveal literally tens of thousands of articles, books, self-help guides, and multi-thousand dollar seminars to help improve your negotiating skills.²³ This short article is designed to give you the fundamentals – what you absolutely *need to know* before heading out to negotiate an issue. Some take-aways to help reinforce the key points:

- Everything is a negotiation – sometimes you negotiate with yourself (like when to get up on a Saturday morning after a tough week), but most often you negotiate with others to solve problems. As with anything in life, a little bit of planning goes a long way.
- If you only have time to do one thing, always know your BATNA and protect it. Always estimate their BATNA and find ways to influence it. In a military environment, your BATNA can often be used to motivate the opposite to stay in a negotiation.
- If you have time to do two things before a negotiation, do the above and a TIPO assessment. It will give you a hunch on how to proceed. Know the two types of trust: process and personal. During a negotiation, constantly assessing the TIPO within the negotiation might give you insight on what the opposite is using for a strategy. Trust drives almost everything in a negotiation.

- If you have time to do three things, do the above, and work through the NSPC and know the pros and cons of each strategy. If circumstances allow, try the CNS first.
- The Air Force Negotiation Center of Excellence is a reach back resource for your use. Need help, advice and / or training? Start with the web site: <http://negotiation.au.af.mil/>

| | Opposite's Strategy | Evade | Comply | Insist | Settle | Cooperate (CNS) |
|-----------------|---------------------|--|---|--|---|---|
| Your Strategy | | | | | | |
| Evade | | No Engagement: Status Quo most likely reigns | No Engagement: Status Quo most likely reigns | May result in status quo. If the opposite has overwhelming power, they may gain their objectives after a delay | Possible solution if the opposite makes an offer (with information you weren't aware of) that is better than your status quo | Possible solution if the opposite earnestly engages you with ideas and options that are better than your status quo |
| Comply | | No Engagement: Status Quo most likely reigns | No resolution as sides take turns deferring to each other | The opposite will gain their objectives | The opposite will gain their objectives | The opposite will gain their objective, and might work to help you realize your objectives (relationship development) |
| Insist | | May result in status quo. If you have overwhelming power, you may gain your objectives after a delay | You will gain your objective | The side with the greater power wins and the other loses their objective | You will gain your objective | You will gain your objective unless the opposite effectively engages you to change your strategy to CNS so they can meet their interests. |
| Settle | | Possible solution if you make an offer (with information they weren't aware of) that is better than their status quo | You will gain your objective | They will gain their objective | You will get an agreement that generally "splits the difference" between your initial offers | Possible solution that is better than "splitting the difference" if the opposite earnestly engages you with ideas and options that you haven't considered |
| Cooperate (CNS) | | Possible solution if you earnestly engage the opposite with ideas and options that are better than the opposite's status quo | You will gain your objective, and you may work to help the opposite realize their objectives (relationship development) | They may gain their objective if you can't move them to the CNS | Possible solution that is better than "splitting the difference" if you earnestly engage the opposite with ideas and options that they haven't considered | Solution that maximizes the exchange of information and ideas, thus maximizing the potential for each side gaining their most critical interests in a mutually agreed upon solution |

Table 1. Possible outcomes for Various Negotiation Strategy Combinations

The Air Force Negotiation Worksheet

Below are two negotiation planning and execution worksheets. The first is a basic outline and the second is a more thorough treatment, to include critical thinking questions. Although these guides are generally used to plan and execute the CNS, in combination with a TIPO assessment, these guides can help in any negotiation.

The second, more in-depth guide has numerous questions. Not all the questions must be answered, nor can be answered, since the situation varies from one negotiation to the next. However, there are some overarching themes. First, after reading each question, evaluate if it is of value to your situation. If it is, the second question should be “Do I have the time, resources, and ability to gather an answer that may improve my negotiations planning?” If the answer is yes, then the question should be answered. Third, not only should you be planning for your side, but you should also devote serious effort to planning “the opposite’s side.” You may be making informed guesses, but it will help you anticipate potential issues and plans for action that will either turn it to an advantage to your interests or at least minimize its affect on your interests.

NEGOTIATIONS PLANNING AND EXECUTION

| | You | Opposite |
|---|------------|-----------------|
| <i>Position / Aspiration / Reservation</i> | | |
| <i>Prioritized Interests</i> | | |
| <i>BATNAs WATNAs</i> | | |
| <i>Agenda</i> | | |
| <i>Develop Options for Mutual Gain</i> | | |
| <i>ZOPA</i> | | |
| <i>Select the Best Option</i> | | |

Figure 4. Expanded Negotiations Worksheet to include Critical Thinking Questions.

| NCE Negotiation Strategy Worksheet (Expanded) | | |
|---|--|---|
| Assessing the Negotiation Context: Planning | | |
| | You | Opposite |
| <p>Position: What do you want?</p> <p>Aspiration Point: <i>What is the best you could hope for?</i></p> <p>Reservation Point: What is the least you are willing to accept?</p> | <ul style="list-style-type: none"> - <i>What is “our” position?</i> -- <i>Is the position unique to a single organization, or must the scope of the position include other organizations (other stakeholders)?</i> - <i>Is this a new situation or the continuation of another situation?</i> - <i>Are there any “in-force” agreements?</i> - <i>What does your organization / chain of command / team want to have happen?</i> - <i>What is the rationale for this position?</i> | <ul style="list-style-type: none"> - <i>What is the opposite’s position(s)?</i> - <i>Do they present any “in-force” agreement to support the opposite’s position?</i> - <i>Do they see it as a new situation or the continuation of another situation?</i> - <i>Is there precedent / tradition?</i> - <i>What does the opposite’s chain of authority (COA) look like? What do you think the COA desires as the opposite’s “best position”?</i> - <i>Rationale for the position?</i> |
| <p>Interests & Priorities</p> <p><i>Why</i> do I want outcome above?</p> <p>How important is each interest?</p> <p>Which is the most important, least important, etc?</p> | <ul style="list-style-type: none"> - <i>List (and prioritize) what your interests are (and what is the context / situation / conditions / environment BEHIND the position that creates the position)</i> <ol style="list-style-type: none"> 1. <i>From your perspective, what are the overarching issues? What are other stakeholders’ (if any) overarching issues?</i> 2. <i>From your perspective, what are issues specific to this region outside of this individual case (economic, political, cultural, etc.)?</i> 3. <i>From your perspective, what are issues specific to this individual case (for example: AFIs, SOFA, laws, existing contracts / agreements, maximize a gain or minimize a loss, political issues, economics, tradition, etc.)? Do you see</i> | <ul style="list-style-type: none"> - <i>List (and prioritize) what the opposite’s interests are in this case (what is the context / situation / conditions / environment BEHIND the position that creates the position)</i> <ol style="list-style-type: none"> 1. <i>From a the opposite’s perspective, what are the overarching issues? What do they think ours might be?(avoid mirror imaging, strive to put issues in the opposite’s context)</i> 2. <i>From the opposite’s perspective, what are issues specific to the other main party to the negotiations (and / or other interested parties with power) outside of this individual case (economic, political, cultural, etc.)? What are the opposite’s issues? Why might they be interested in the negotiations?</i> 3. <i>From the opposite’s perspective, what are issues specific to this individual case (for example: AFIs, SOFA, laws, existing contracts / agreements, maximize a gain or minimize a loss, political issues,</i> |

| | | |
|---|---|---|
| <p>Interests & Priorities (continued)</p> | <p><i>this as an individual case or part of a larger situation?</i></p> <p>4. Identify your stakeholders. What are the stakeholder's positions and interests? What are the opposite's relationships with the other parties and with each other? Who has power, why and how can it be affected?</p> <p>5. Are there any interrelations between issues? (For example, if I execute an economic policy in response to this case, what will the effect be on other elements of my relationship with the opposite's government? Might other parties (i.e. stakeholders) relationships change (how and why?)</p> <p>6. What does your side want the situation to be AFTER the negotiations conclude (what is/are the long-term interest(s))? Do all stakeholders share the same long-term goal?</p> <p>7. What is your assessment of the level of trust between you and the opposite? Is it process trust, personal trust, or some of both? Do they trust you? If so why? What can you do to maintain that trust? If not why? What can you do to build trust?</p> | <p><i>economics, tradition, etc.)? What might the opposite's perceptions be of ours? Does the opposite see this as an individual case or part of a larger situation?</i></p> <p>4. Identify the opposite's potential stakeholder's positions and interests? What are those stakeholder's positions and interests? What are the opposite's relationships with your parties and with each other? Who has power, why and how can it be affected?</p> <p>5. What does the opposite see as the interrelations between issues? (For example, if they execute an action within their legal system, what might be the effect on other elements of the opposite's relationship with your stakeholders?)</p> <p>6. What do you think they want the situation to be AFTER the negotiations conclude (what is/are the opposite's perceptions of long-term interest(s))?</p> |
| <p>BATNAs (Best Alternative to a Negotiated Agreement)</p> <p>What do I have the will and the resources to do if I don't reach an agreement with the</p> | <p>BATNA: an action that may be pursued by your side without any consultation or agreement by the opposite.</p> <ul style="list-style-type: none"> - Determine your "unilaterally executable options" if you "leave the table". What is the "best"? What might be the "worst" (WATNA)? - Within each of these unilateral options, what is /are the desired response(s) from the opposite? | <p>A BATNA may also be pursued by the opposite without any consultation or agreement by you.</p> <ul style="list-style-type: none"> - Estimate the opposite's "unilaterally executable options" if they "leave the table" - Within each of these unilateral options, what is /are the desired response(s) they might want from you - Can they impact a stakeholder that |

| | | |
|---|--|---|
| <p>opposite?</p> <p>What might they do?</p> | <ul style="list-style-type: none"> - Within each of these unilateral options, what action by the opposite might trigger this event? - Within each option, how might your stakeholders respond? - Within each option, what are some possible 2nd, 3rd order effects that are undesirable to your position? - Within each unilateral option, how will executing the option affect your long-term relationship with the opposite? With your stakeholders? - Within each unilateral option, how much does the opposite know about the option? How much power / ability do they have to weaken your BATNA options? | <p>can, in turn, exert influence on your BATNA?</p> <ul style="list-style-type: none"> - Within each unilateral option, what action by you might trigger this event? - Within each unilateral option, how might the opposite's stakeholders respond? How might your stakeholders respond? - Within unilateral each option, what are some possible 2nd, 3rd order effects that are undesirable to the opposite's position? To the opposite's stakeholder's position? To your stakeholder's position? - Within each option, how will executing the option affect the opposite's long-term relationship with you? With your stakeholders? - Within each option, how much do you know of the details? How much power / ability do you have to weaken the opposite's BATNA options? |
| <p>Objective Criteria</p> <p>What criteria can parties agree to as objective measures of merit for each option?</p> <p>History, precedent, third party standards, industry standards, law, tradition, etc.</p> | <p>Where are possible sources for objective selection criteria?</p> <ol style="list-style-type: none"> a. Within the respective parties' constructs (civil, criminal, social, political, economic, etc)? – What is the relevant law? b. Within the region? – might there be regional criteria to consider? Other examples within the region (especially if the example is of a regional power that the countries both respect) c. Within bilateral documents / agreements? (SOFA, etc.) d. Within regional documents / agreements? (Might there be a regional / coalition agreement? e. Within international agreements / agreements? f. Is there any precedent? (Where has this happened before?) g. Does the culture consider “golden rule” type criteria “do unto others....”? <p>Is there other “quid pro quo” criterion that is part of the social fabric and / or custom? How is it enforced?</p> <ol style="list-style-type: none"> h. For the military context, a potential tool to help select the best idea from all the ideas is to see which option idea best supports the top interest(s) of BOTH sides equitably (not necessarily equally) | |
| <p>AGENDA</p> | <p>What might the most appropriate approach? Going beyond “full proposal” or “issue at a time”, consider:</p> <ul style="list-style-type: none"> -- Broaden/Narrow – Should you add or subtract issues from the table help to create a common interest? | |

| | |
|----------------------------------|---|
| | <ul style="list-style-type: none"> -- Are there automatic de-railers? How might you avoid them? -- What will your opening statement be (the “first 90 seconds”? What do you expect the opposite’s “first 90 seconds” to be? -- Who should go first? What should go first? An easy issue (trust building?) or a hard issue? |
| Executing the Negotiation | |
| ZOPA | <ul style="list-style-type: none"> - Identify your Zone of Possible Agreement (ZOPA). A ZOPA is the overlap between two ranges. The first is the range from the least you’ll accept to the best you can possibly hope to get. The second is the opposite’s range from the least they’ll accept to the best they can possibly hope to get. How does this change during your negotiations? -- Gather information & identify the ZOPA -- Test assumptions and motives -- Learn from the opposite. Listen carefully -- Be prepared to learn/modify as facts are unveiled. -- Understanding priorities and why the priorities are they way they are -- Brainstorming – is the opposite amenable to brainstorming? |
| Options for Mutual Gain | <ul style="list-style-type: none"> - Satisfying as many interests of both parties as possible - Where might your interests and the interests of the opposite coincide? - Are there areas of mutual agreement? - What actions (or combination of actions) might support the attainment of these mutual interests? - How might these actions be coordinated? Verified? |
| At the Table | <ul style="list-style-type: none"> - Managing the process at the table -- Managing your team – who will lead the discussion (you or many)? Who do you think will lead the opposite’s discussion (one or many on the opposite’s party?) -- Sequencing – How do you want to sequentially organize your negotiation? -- Who records the proceedings? In what language (both)? Written record or audio/video? -- Shaping perceptions -- Structuring the deal – is there a need for interim summaries / agreements? -- Closure |
| Away from the Table | <ul style="list-style-type: none"> - Managing the process away from the table - How do you call an “intermission”? - How do you manage communication with the stakeholders during negotiations? |
| Impasse | <ul style="list-style-type: none"> - Overcoming Impasse -- Cause of impasse? Positions? Can they be changed? Is there currently no ability to see common ground? -- Need to move to distributive style? -- Influence of third party power? |

| | |
|--|--|
| | <ul style="list-style-type: none"> -- <i>Mediation?</i> -- <i>Change location (perception of time court advantage?)</i> - <i>Change timing of certain events?</i> -- <i>Take a recess</i> -- <i>Defer issues that don't require agreement now</i> -- <i>Build incentives</i> -- <i>Reframe issues to play to interests</i> |
| Post-Negotiation: Evaluation | |
| <p>Goal is to self-assess for future skills improvement</p> <p>Can also act as a tool for mentoring others on negotiations</p> | <ul style="list-style-type: none"> - <i>Outcomes: Compare against entire range of outcomes – What is the best you can hope to achieve vs. What is your “walk away” point?</i> - <i>Compare outcome to BATNA</i> - <i>What transpired during the negotiations that followed the plan? Were the initial assessments / perceptions accurate?</i> - <i>What changes were you able to accommodate and why?</i> - <i>What changes were unanticipated? Could they have been foreseen with a modification in the planning process?</i> - <i>Do you anticipate a good basis for follow-on negotiations should problems arise in execution? If so why, If not, why not?</i> - <i>What lessons can you extract from this negotiation to help mentor others? Successes failures, insights, etc.</i> |

Cultural Considerations / Perspectives Guide

The questions below ask you to examine and consider both the opposite's culture as well as yours. It is suggested you answer these questions first on how you perceive the opposite and then "mirror image" to see how the opposite might perceive you. What is critical is not what you think you are culturally, but what the opposite thinks you are – because that is what they will base the opposite's planning and action upon.

Cultural Architecture

SECTION I: Cultural architecture

This is a series asking you to consider several general questions to help set the architecture of both your culture and the opposite's culture

Individualistic or communal culture (Proself or Prosocial)?

- *Proself: Individualistic / Egalitarian (Calvinism) sets value on what you do/individual achievement. Independence is valued and compartmentalization of life is accepted. Individual needs may take priority over group needs. Competitive and rewards based.*

Mantra: Live to work

- *Prosocial: Communal/ hierarchical sets value on who you are and where you come from. Lineage is valued as is association with groups. Groups' needs take a higher priority than individual needs. Life is not compartmentalized and is seen as a whole of interconnected parts – you affecting all and all affecting you. Cooperation is valued and rewarded with prestige.*

Mantra: Work to Live

Negotiation's Purpose: Is the priority on "sealing the deal" or to "cultivate / maintain and relationship"?

- *Proself see negotiations more as a problem solving method – process to achieve an end state. Problems are dissected and solutions offered. Usually Inductive reasoning is used (generalized conclusions from observing specific events / instances). May prefer specific legalistic documents (contract law)*
- *Proself may also consider the issue at hand in isolation "Let's solve this problem and move on"*
- *Prosocial may see negotiations as a necessary evil as other lower processes to resolve issues have failed. May approach the process with Deductive reasoning (conclusion about a specific flows from general principles). May prefer general agreements without much detail*
- *Prosocial may also consider the issue at hand as one step in a seemingly endless flow. Previous issues impact this issue (baggage) and this issue impacts other unforeseen future issues. "This problem is but one in a series of problems, let us examine the ideas to resolve it". A proself based "solution" may not be seen in a prosocial culture as a true "solution"*

Linear approach or relative approach to time?

- *Proself may emphasize punctuality and precise agendas. Time is to be spent “wisely” on the task at hand. Time is a resource to be marshaled – each second as valuable as the other. A schedule defines the process and at the end of the process, the problem needs a solution.*
- *Prosocial may emphasize time as a gift to be shared. Time with friends is more important than time spent in other manners. Punctuality is not critical, nor even desired. A social process defines the schedule and since the social process may be never-ending, so a solution is not critical.*

Low or High Context communications?

- *Proself emphasizes the meaning of words and precise choice of words. Little emphasis on non-verbal contexts. Direct, believes that the truth must be said, can be blunt, but always precise. “Legalistic”*
- *Prosocial emphasizes the environment of the communication. Indirect meanings, hinting phrases are used so as to not offend either party (saving face). What is not said is often as important as what is said. Non-verbal contexts critical to understanding the message. “What is meant is not often said”*

Org Culture

SECTION II: Organizational Culture

This series of questions looks at organizations. Gaining insight here is particularly useful for examining across US cultures such as DOD, federal agencies, state and local organization

- *What is the organization’s mission? How are they organized to do the mission?*
- *How do they interact and function? Emphasis on hierarchy or egalitarianism?*
- *Where are the opposite’s allegiances? What are the opposite’s relationships with other organizations?*
- *What is the opposite’s relationship with power organizations (Congress, etc?)*
- *What are the opposite’s priorities, what do they value the most?*
- *Who do they normally cooperate with? Who are the opposite’s antagonists?*
- *What is the opposite’s planning process?*
- *How do they garner resources? What is the opposite’s budget process?*
- *What is the opposite’s history with your organization?*

Regional Culture

SECTION III: Regional Culture

This series of questions looks at regions from a macro, then micro, perspective.

MACRO region

- *Physical geography / climate*
- *Geo-strategic relation with its neighbors. Who are historic “friends” and “enemies”*
- *Are there outstanding “debts” (social, cultural, historical) owed to them or they might owe others?*
- *Members of a coalition? (formal, informal, etc.)*
- *Economy, Trade, Currency, Exchange*

GOVERNMENT – Distribution of power

- *Type of government – how do the different branches communicate and decide?*
- *Nature of the executive system, bureaucracy, judicial system. Who holds power and why*

- *Nature of commerce and trade. Nature of transportation and communications*

HISTORY

- *Development of land – how did they come to be?*
- *Who do they revere as national / regional heroes? Why?*
- *What are the opposite's myths and legends? Do they have historical scores to settle?*
- *Relationship with the US and other western countries?*
- *Do they have a "colonial" experience? Were they the "colonized" or the "colonial rulers"?* *If they were ruled, were they members of the elite or common sector of society?*
- *Relationship with the opposite's neighbors?*

MICRO region

- *Community layout / facilities*
- *Meeting areas*
- *Social opportunities*
- *Organizational relationships*
- *Local allegiances (tribal, hierarchy, government, etc.)*

LOCALITY

- *Is the "neighborhood" friendly or challenging?*
- *What are the relationships between the major groups of people?*
- *What is the nature of local power? Who answers to whom?*
- *What are the opposite's priorities?*

SOCIAL ORDER

- *If something goes right, how do they distribute the credit?*
- *If something goes wrong, how do they handle it? How do they save face?*
- *Influence of Religion?*
- *Central and directive or secular and guiding?*
- *Role of elders / children / women*

INDIVIDUALS TO THE NEGOTIATIONS

- *Individual's history /education /background /preferences*

Insights into BOTH your culture and the opposite's can help guide your negotiations.

Note: These are not the only possible outcomes, these exemplify the ends of a spectrum of cultural contexts, your situation may lie at one end or the other, or somewhere in between.

Summative items:

- *Top Consideration: How do they and the opposite's people view you and your "people"?*
- *Cultural underpinnings of this top consideration*
 - *Individualistic or communitarian?*
 - *Context/Communications: high context (indirect) or low context (direct)?*
 - *Time perspective: linear or circular?*

Regional Culture
(continued)

Culture Summary

- *May this issue be treated distinctly and separately or is this part of a larger series of issues?*
- *Relationships: formal or informal?*
- *Agenda: full proposal or approaching the negotiations an issue at a time?*
- *Are trust-building measures in order?*
- *Language: what language? The opposite's / yours / an interpreter?*
- *Outcome: Is the relationship more important as the outcome or the agreement?*
- *Impasse: how might they respond to an impasse?*

¹ A great deal of acknowledgment needs to go to the authors of the NCE primer *Warrior / You: No Longer an Oxymoron, but a Necessity*. Drs Stefan Eisen and Kimberly Hudson authored the primer that was first published by the NCE in October 2009 and is currently under a revision to reflect the latest feedback from the field users, users like you. The primer is available online at <http://negotiation.au.af.mil>.

² This article also draws on a shorter version of the October 2009 primer, *An Overview of Negotiating Strategies* developed for a Civilian Supervisor's Course at the Air Force's Eaker College.

³ The author would like to thank Mr. David Omeara for his support and editing skills. Among other updates, the TIPO model is a new addition in this revision and he provided useful feedback on the "sanity" of the concept. Many thanks Dave!

⁴ The original is "Necessity is the mother of invention", attributed to Plato in his work, *The Republic. Plato was a Greek author & philosopher in Athens (427 BC - 347 BC)*.

⁵ Definition developed by the NCE staff in 2009 after consideration of numerous classic business and diplomatic definitions.

⁶ Developed by the NCE in December of 2007. It borrows from several classic conflict management models, among them the Thomas-Kilmann Conflict Management model and Rubin, Pruitt and Kim's Dual Concerns Model. The NPSC takes these concepts and adapts them to the military context. One of the main features of the NPSC is that it can have negative values for task and relationship – i.e. in a military environment, you may be tasked with terminating a relationship.

⁷ Fisher, Roger and William Ury. *Getting to Yes: Negotiating Agreement Without Giving In*. (New York: Penguin Books, 1991). Pp 97-106.

⁸ Developed by the NCE in May 2011. Based on extensive feedback by the DOD Special Operations Community.

⁹ The United States Air Force Core Values were published in the "little blue book" on 1 January 1997. With Secretary Shelia Widnall and CSAF Gen Ron Fogleman as the two senior leaders, the three service values are 1. Integrity first, 2. Service before self and 3. Excellence in all we do. *It is remarkable that they have remained unchanged for over 14 years*. Available at: <http://www.au.af.mil/au/awc/awcgate/cv-mastr.htm>. Last accessed 13 Jun 2011.

¹⁰ This is a powerful force. Trust, once lost, in the military culture is almost impossible to regain. The author of this article frequently saw and used this mutual trust in the Air Force's core values to close deals. In 34 years of service in the uniform and 5 as an AF civilian, the negotiating venues varied from Congress, college campuses with university provosts and presidents, the Air Staff, MAJCOM HQ, Wing, Group, squadron as well as flight levels -- and even the base "lemon lot" when it came time to buy and sell cars.

¹¹ The forms of power outlined here are based on a 2007 web article by Jonathan Farrington entitled *Negotiation - Understanding Your Sources Of Power*. Jonathan Farrington is a globally recognized business coach, mentor, author and consultant, who has guided hundreds of companies and thousands of individuals around the world towards optimum performance levels. He is Chairman of The JF Corporation, CEO of Top Sales Associates and Senior Partner at The JF Consultancy. Available at: <http://ezinearticles.com/?Negotiation---Understanding-Your-Sources-Of-Power&id=471198>. Last accessed 132 Jun 2011.

¹² Bellis, Mary. *The Invention of VELCRO® - George de Mestral*. Available at: <http://inventors.about.com/library/weekly/aa091297.htm>. Last accessed 8 June 2011.

¹³ From a discussion with a MAJCOM/CC on his perspectives on the need for directness in decision-making. Included in the discussions during the Group Commander's Course, August 1996.

¹⁴ Fisher, Roger and William Ury. *Getting to Yes: Negotiating Agreement without Giving In*, (New York: Penguin Books, 1981)

¹⁵ Roberts, Wess. *Leadership Secrets of Attila the Hun*. (New York: Warner Books, 1987). p. 85.

¹⁶ This is suggested due to the author's use of an NCE developed CD-based game where PME students voluntarily revealed their NPSC preference. This CD is made available as part of the coursework for many NCE sponsored seminars and PME classes and electives.

¹⁷ Fischer, pp. 56-80.

¹⁸ Story related to the author from a recently returned American military troop. Discussion occurred in the summer of 2010. Name and location not revealed at the contributor's request.

¹⁹ Attributed to American singer and songwriter Ani DiFranco (1970). "I know there is strength in the differences between us. I know there is comfort where we overlap."

²⁰ The author found this tactic useful when negotiating training programs with allied military organizations. Most of the opposite's didn't want to inform their general officer that they couldn't get to an agreement – especially when a successful agreement would bring that general officer tremendous prestige.

²¹ Adapted from a maxim from General (ret) Colin Powell. "Avoid having your ego so close to your position that when your position falls, your ego goes with it." Available at:

http://www.thinkexist.com/English/Author/x/Author_2573_1.htm Last accessed 8 Jun 2011.

²² See <http://www.gspawn.com/> for a description of the History Channel program. Last accessed on 8 June 2011.

²³ A Google search "Negotiations training" resulted in 29,800,000 hits. Available at:

http://www.google.com/#sclient=psy&hl=en&source=hp&q=negotiations+training&aq=2&aqi=g5&aql=&oq=negotiations&pbx=1&bav=on.2,or.r_gc.r_pw.&fp=d2da7bf6259b98f9&biw=1419&bih=701 Last accessed 8 June 2011.

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