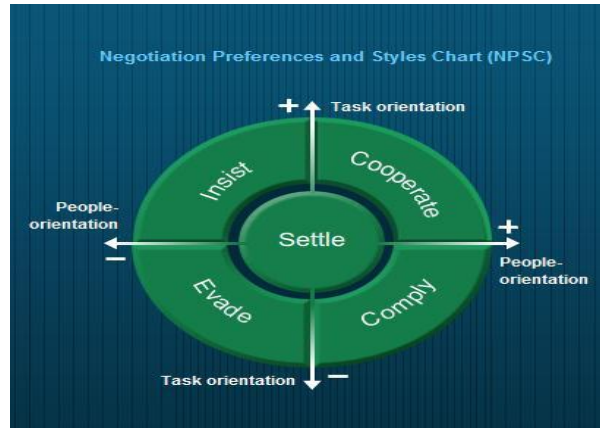


Practical Guide to Negotiating in the Military

(2nd edition)

“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

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INTRODUCTION

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* (8 Nov 2011) under "People/Team Competencies" and the Air Force Policy Directive 36-26 (27 Aug 2008), under "Fostering Collaborative Relationships" highlight the competencies 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 builds on the original 2009 NCE primer, *Warrior / Negotiator: No Longer an Oxymoron, but a Necessity*.¹ This guide outlines and provides 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 evaluate the situation and select the most appropriate strategy.

1. 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 interests to something closed and adversarial, where information is hoarded as parties fight to satisfy only their own positions, and if needed, destroy the opposite's ability to achieve theirs (Note: in this primer, the other party in a negotiation is always referred to as the "opposite"). In the middle is a bargaining 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 the mother of...invention.”²

Based on the above, let’s refine the definition. The AFNC defines negotiation as 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. 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).

2. CHOICES IN CONFLICT MANAGEMENT: The Relationship between Task and People

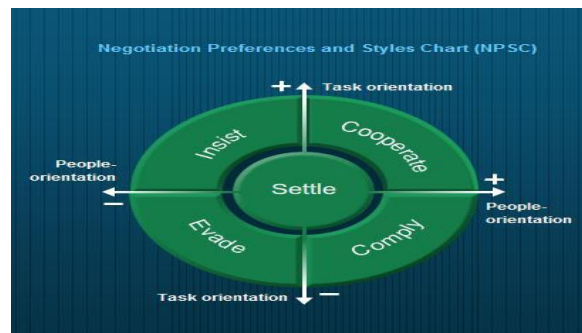


Figure 1. The Negotiation Preferences and Styles Chart (NPSC)³

There are two variables that form the structure for determining your choice of the five negotiation strategies (see Figure 1 above). Every negotiation involves some sort of task (problem) and requires the interaction of two or more people or groups of people (relationship). With the NPSC’s two axes, People versus Task, you can visualize each variable’s relative importance. The two variables’ (task and people) relative importance to each other forms the framework used to visualize and understand the differences between the strategies. From that, you may select a strategy reflecting those two variables. A description of these variables is provided below.

The first variable is people orientation, also called the relationship variable, and is plotted along the horizontal axis on the styles chart. In other words, how important is it for you to develop and/or maintain a productive, *trusting* relationship with 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 relationship value means that you intend to consider 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 people or relationship orientation variable takes on a negative value. This means you intend *neither to 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, misleading. 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 in a cross-cultural environment, a 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.

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 to maintain or build 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 as such will guide your negotiation strategy selection.

The second variable is task orientation and is plotted along the vertical axis on the styles chart. 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 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 later in the discussion of the five negotiating strategies.

3. ESSENTIAL TERMS

Every skill set comes with its own language, from maintaining ground equipment, managing a satellite or flying an aircraft or UAV. A negotiation has its own language. In the next few paragraphs, the essential terms are outlined, to enable a more complete understanding of the TIPO and NPSC concepts.⁴ A robust glossary of useful negotiation terms is attached as Appendix 1.

a. Position: a position is “*what* you want;” what you envision as your best possible outcome. However, to be useful in negotiations, this “best possible outcome” must be rationally bounded. Getting a new car for free may be a fantastic position, but it is not rationally bounded. To be a viable position, it should meet some standard for reasonableness, and also be accepted as reasonable by the opposite. If not, negotiations may stall or be broken off.

b. Interest: An interest is one or more underlying reasons for *why* you are aspiring to your position. To help determine interests, investigate your position through a series of interrogative questions. Interrogative, or critical thinking (CT), questions are the “who, what, when, where, how much” and especially “why” questions. Answers to these questions help reveal the underlying reasons and rationale for a position. If these interrogative questions cannot be successfully answered, then the validity of the position may be in question.

As an example, your position in a negotiation with HHQ may be for more flying hours. Asking the interrogative questions may reveal the reasons behind the position: flying safety, equipment maintenance, aircrew proficiency, a desire for upgrades, or a myriad of other reasons. For example, perhaps one of the responses to the “why” question was for more training on the upgraded equipment just installed in the aircraft. The position (*what* you want) may still be more flying hours, but this interest (the need for more training on the upgraded equipment) is *why* you want the hours. Understanding the interests may open up a discussion for alternative ways to get the training – i.e. other ways to get the job done than just through “more flying hours”.

There are three basic types of interests; procedural, psychological and substantive. Effective negotiations depend on understanding the types of interests. Procedural interests are those concerning *how* a process is conducted. Negotiators with procedural interests are highly concerned with how the outcome is determined, and not as concerned with the actual details of the outcome. For example, if an employee files a formal complaint due to non-selection for training, a savvy negotiator will ask if they think the outcome was unfair or if they think the selection process was biased. If the employee feels the selection process was biased, they have a procedural interest. Proving to the employee that the selection process was fair would probably resolve the issue, even though the outcome (non-selection for training) didn’t change. The second type of interest is psychological (sometimes called relationship interests). It concerns how people feel, are perceived and how they relate with others. A person negotiating for a job might be focusing on a specific job title. This is a psychological interest, because it deals primarily with a relationship need, not a physical one. Finally, and most important, are substantive interests; having to do with things, schedules, prices, salaries, etc. This is the bulk of most negotiations; however, negotiators should always work to identify and categorize the interests and then work at developing solutions that address the type of interest. Offering someone a high salary (substantive interest) might not work if the top interest of the prospective hire is a large corner office (psychological interest).⁵

c. Aspiration Point: An aspiration point is the best each party hopes to get out of a negotiated agreement--what each party aspires, or desires, to achieve.⁶ As with a position, setting a

rationality bounded aspiration point helps create a positive negotiating environment. However, more aggressive negotiations tend to be marked by a wide divergence in parties' aspiration points. For example, when negotiating your holiday work schedule in a unit that runs 24/7, you might have an aspiration point of getting to take leave during the entire Christmas holiday (from Christmas Eve to New Year's Day), while the unit scheduler's aspiration point might be two days. To be useful, an aspiration point should be rationally bounded.

d. Reservation Point or Bottom Line: In many negotiations, the reservation point is the least favorable option or offer either side might accept (for example, the lowest price a seller will accept, or the highest price a buyer will pay). If the agreement doesn't fall between both parties' reservation points, then the likelihood of entering into the agreement is low and negotiations may cease as one party elects to execute its best alternative to a negotiated agreement (BATNA).⁷

e. Bargaining Range and Zone of Possible Agreement (ZOPA): The area between each party's aspiration and reservation points defines their own bargaining range.⁸ Critical to this definition is understanding that any overlap between two parties' bargaining ranges defines their ZOPA. If there is no overlap, there is no ZOPA.⁹

As an example, let's say you are negotiating that holiday break. Your aspiration point is getting the entire holiday period as leave, a total of 8 days. Your reservation point may be that you'll agree to only three days, Christmas Eve through the 26th of December (the 26th being your spouse's birthday). The scheduling office's aspiration point may be to give you no more than two days off total during this holiday period from Christmas to New Year's, but as a reservation point, would accept as much as five days off total, as long as it didn't include both the 24-25 December (Christmas Eve / Christmas Day) and 31 December – 1 January (New Year's Eve / New Year's Day). The ZOPA would then range from three days (to include December 26th) to five days (but can't include both of the holidays as described above).

f. Anchoring: Anchoring is a common negotiating tactic. When a person makes an offer, they are providing the other party some indication of their aspiration point and bargaining zone. Anchoring is a tactic that creates an offer that is at the limit of (or slightly beyond) the rationality test assigned to the aspiration point. The expectation is that the anchor will reduce the other side's expectations. Research strongly suggests that in simple bargaining situations, known as the Settle strategy in this article, the stronger one's anchor, the closer the final agreement is to that negotiator's aspiration point.¹⁰ Negotiators who make modest offers do not usually do as well as those who open with more optimistic anchors. This is common in the retail business, especially for big ticket items. Retailers will set an "anchor price" in bold print (such as the MSRP or the "Package Value" of bundled items) and then offer you a significant discount – and usually do much better than if they would advertise their actual cost for that product and add their mark-up.¹¹

g. Demand: A demand is a statement of terms with no room for adjustment. It is very positional and embodies the most precise use of a "take it or leave it" option. A demand is presented at face value, allowing no opportunity for adjustments or adaptation to new information, ideas, or options. When making a demand, the negotiator is stating a reservation point and an aspiration point simultaneously. A demand is a feature of the Insist Strategy.

h. Offer: Like a demand, an offer is a statement of terms, but it anticipates counter-offers, counter-proposals, and modification. It is much more flexible than a demand since the negotiator anticipates that once the offer is made, it'll be adjusted to some degree. Sometimes offers are made

that exceed the aspiration point, as in anchoring, with the anticipation that the counter-offer will probably shrink expectations.¹²

i. Divergent / Convergent Thinking: All people can operate in either thinking process, but operating outside one's preference requires deliberate effort. As examples, most engineers prefer convergent thinking, and most artists prefer divergent thinking. Divergent thinkers tend to see problems as opportunities. Convergent thinkers tend to see problems as obstacles. For divergent thinkers, the problem is a starting point from which to imagine solutions. For convergent thinkers, the problem is a target to be destroyed, managed, or overcome.

Divergent thinkers' mental processes tend to be creative and spontaneous. They are comfortable with uncertainty and ambiguity. They prefer flexible plans with as many options as possible. "Divergers" tend to dislike settling on one solution and continually search for alternatives. Divergers work at continuously adding options to the table.

Divergent Thinking strengths include:

1. Capable problem solvers when working novel issues.
2. Creative, not limited by conventional boundaries, such as budget, policy, and/or precedent.
3. Comfortable with uncertainty and ambiguity.

Divergent Thinking weaknesses include:

1. Dislike of finality may result in pushing or missing deadlines.
2. Most thinking is outside the box; in fact, often don't even know where the box is.
3. Resist boundaries and limitations; see them as negatively impacting the creative problem solving process.

Convergent thinkers' mental processes tend to be reliable and rational, and principle-based. They constantly work to reduce uncertainty and ambiguity. They prefer thorough plans that fully address all contingencies; however, convergers are most comfortable when one clear solution has been identified. Once a solution is identified, convergers prefer to discontinue considering alternatives and focus on finding support for the preferred solution. Convergers work at continuously taking options off the table.

Convergent Thinking strengths include:

1. Capable problem solvers in crisis or emergency situations.
2. Effective problem solvers within conventional boundaries, such as budget, policy, and/or precedent.
3. See limitations as guideposts rather than impediments to the problem solving process.

Convergent Thinking weaknesses include:

1. Once convergent thinkers have decided on a solution, and are marshalling support for that solution, they often ignore or dismiss new or contrary information.
2. Starting point for problem solving is "inside the box."

j. The Best Alternative to a Negotiated Agreement (BATNA): BATNAs¹³ 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 you must be able to execute a BATNA *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 or improve your BATNA and always estimate (and attempt to influence) the opposite's BATNA.

There are three keys to determining a valid BATNA:

1. 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.
2. It must be a real option. It must be something you can and are willing to do (you have the time, resources, and will to execute).
3. 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 and currently have 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. In short, BATNA has applicability in many negotiating strategies, but can be exercised to its fullest potential using the CNS.

k. Distributive and Integrative Negotiations: There are two basic categories that virtually all negotiation strategies fall into: distributive and integrative.¹⁴ The distributive category assumes resources are limited. The task of any distributive negotiating process is to divide up a fixed set of resources. The distributive category is also known as "value claiming," because the objective is to claim a portion of whatever value is on the table. In distributive or value-claiming negotiations, negotiators usually meet to exchange proposals, offers, and counter-offers.

Distributive negotiations are essentially zero-sum.¹⁵ Because resources are seen as fixed and limited, any gain by one side represents a loss for the other. Conflict is seen as inevitable, and competition rather than cooperation guides negotiations. Parties to the negotiation often perceive the other side as an enemy, a barrier to their success. In a competitive situation, information is regarded as a source of power, and therefore protected. Because information is seen as a source of negotiating power, deception may occur, so distrust is characteristic of this approach. This is one of the most serious drawbacks of distributive bargaining for military negotiators. The zero-sum approach can be executed through one of three negotiating strategies presented in this article; parties can "comply," "insist," or "settle."

Second, the integrative category, while still acknowledging that in the end, resources must be distributed (there is “value claiming” at some point in any negotiation), does not see resources as necessarily fixed. This means that integrative negotiations are not necessarily zero sum. Conflict is not seen as inevitable; there is the possibility for mutually beneficial, “value creating” cooperation between the parties. Negotiators see the other side as potential partners in the problem solving process. Cooperation between the parties has the potential to “create new value” from the existing resources under consideration by combining them in new ways or using the resources in different ways. In this value-creating process, trust-building measures are actively pursued to help develop a cooperative environment. Information is shared between the parties, and power is also shared. This approach can be executed through a “cooperative” (or win-win) negotiations strategy. The cooperative negotiator is concerned with maximizing absolute *gains* while simultaneously meeting the counterpart’s interests, rather than maximizing their *relative gains* over the other party. In this strategy, the negotiator’s goal is to arrive at an agreement that satisfies the most important interests of all parties. As a general rule, except in cases of unambiguous emergency, the authors argue that military negotiators will achieve better solutions by using the integrative category. One hallmark of integrative negotiation is asking questions of all sides about their interests, concerns, and circumstances; this approach is advocated in AFDD 1-1 *Leadership and Force Development*, which recently added fostering collaborative relationships and negotiating to the USAF institutional competency list.¹⁶

It is suggested that agreements reached by integrative means will be more sustainable, and will tend to enhance relationships, whereas distributive negotiation tends to degrade relationships. Lack of cross-cultural competence intensifies this harm. It is suggested that combining cross-cultural competence with integrative negotiation skills leads to better relationships, better agreements, and, therefore, serves tactical and strategic objectives.

4. TRUST, INFORMATION, POWER and OPTIONS (TIPO) Analysis Framework¹⁷

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 why your opposite selected the negotiating strategy they may be using with you. The TIPO framework models how trust, information, and power, influence the way you develop options to solve the current problem.

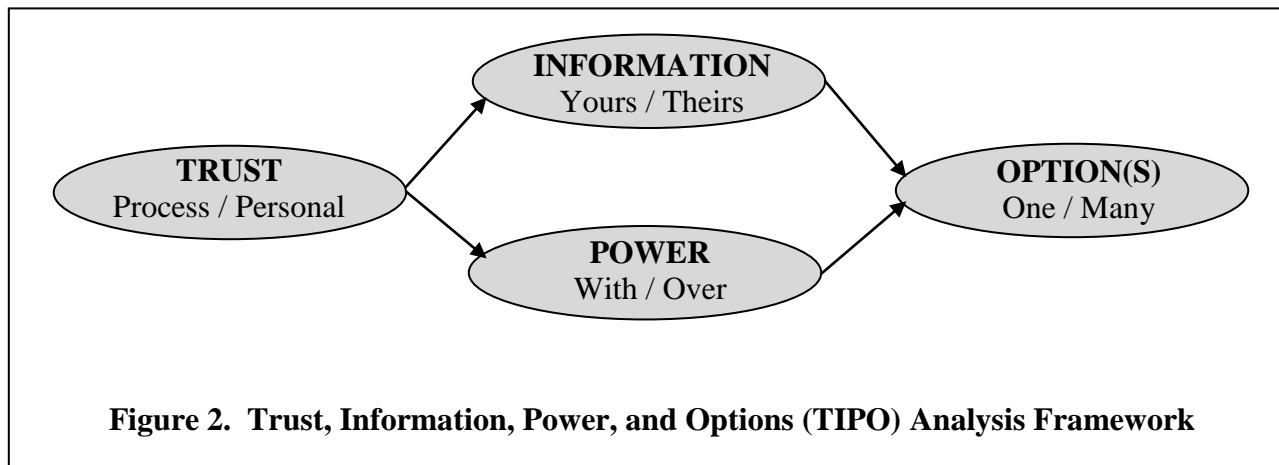


Figure 2. Trust, Information, Power, and Options (TIPO) Analysis Framework

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 or will be 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 US Air Force is the culture's trust in its three Core Values – Integrity first, Service before self, and Excellence in all we do.¹⁸ Many negotiated agreements between two USAF 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.

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 being disrespectful 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. We could dedicate an entire guide to cross-cultural sensitivities and still not scratch the surface. 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. The bottom line is this, after mastering the information in this guide, you will also need to understand the culture you are dealing with 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. 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 process and personal trust. The focus is typically based on cultural perceptions (some cultures have almost no trust in central processes like law and government and conduct business only with personal trust). As a benchmark, Americans usually believe in process trust due to a well-established rule of law while many traditional cultures (such as those in Africa, the Middle East, Asia, and South America) 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, this will limit your options. 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. On the other hand, 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. Bottom line, trust and information 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. Additionally, some forms of power are dependent of the relationship between the different parties. These forms of power may be applied as “Power Over” or “Power With.” “Power Over” is applying one of the sources of power in a manner that gain you an advantage over the opposite. For example, “pulling rank” at a negotiation to gain an advantage is using “Power Over.” “Power With” is applying one of the sources of power in a manner that improves both party’s opportunity to benefit from the use of that power. For example, sharing useful information with an opposite during a negotiation to help build options is using “Power With.” Distinguishing whether a source of power is “Power Over” versus “Power With” will help determine which negotiation strategy will best achieve your objectives. The most predominant forms of power are:¹⁹

1. Expert: having expertise in a process or 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.

2. Referent or charismatic: People give you power because they either have a high identification with and / or respect / admire you.

3. 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.

4. Coercive: People having the perceived potential to harm or withhold a reward from another have coercive power. This power's key feature is its perception 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.

5. Reward: 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.

6. 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 your power is 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 is the centerpiece of the TIPO model and will impact power execution. 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.²⁰

On the other hand, if you have low trust in the opposite or you believe his / her 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 considers how the foundation of trust and the influence of information and power impact the development of negotiation options. How you plan to develop these options will influence the negotiation strategy you select. Strategy selection will be discussed in detail after we explore the general idea of option development.

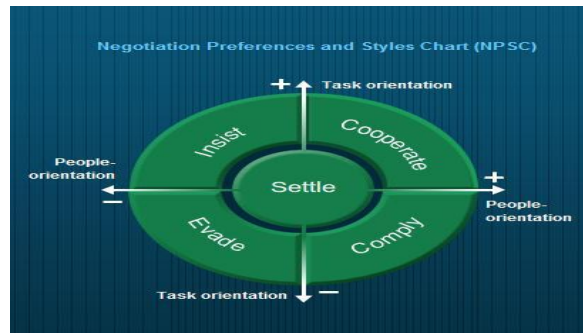
Options are just different ways potentially to solve the problem. The options may be easy or hard, cheap or expensive, but they are all nevertheless options. Option building requires two elements: first is defining the problem that needs solving and second is identifying possible resources (information, 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 a 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.

The TIPO Model worksheet in Appendix 2 will aid in framing the negotiation and assist in selection of a negotiation strategy as described in the next section.

5. 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 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.

a. 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 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. 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 stated 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?"

b. 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, give 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. (This can be especially evident in cross-cultural 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 anywhere), 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!"

c. 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. 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. 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 the negotiator perceives 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 a desired outcome. 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 does not exist, is not needed or is not valued. Simply put, the Insist strategy is not just IF you win, but HOW MUCH you 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 assessment reveals that you do not need and / or do not trust their information. Even if you assess their information to be truthful you make a conscience decision to ignore it. You are assuming you have all the information needed for a decision and the information you have is of sufficient quality.

Option: Option development under the Insist strategy is one-sided – your side. Since trust may be 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"²¹ situations that may call for quick action with little or no consultation. In this strategy, position or expert 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!"

d. 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 with your 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 the relationship.

Settling usually results in a quick negotiation (Settle is an efficient process), but rarely delivers 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 sharing information. 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 dependent. 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 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, 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). That range is known as the Zone of Possible Agreement.²²

Settle Strategy Bumper Sticker: “Let’s just split the difference and call it a day”

e. COOPERATIVE NEGOTIATION STRATEGY (CNS): CNS is the Air Force Negotiation Center (AFNC) enhanced version of the business world concept known as Interest-Based Negotiations (IBN).²³ 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, they must be willing to share information and decision-making power, and suspend judgment on possible solutions. The AF AFNC 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 drive your strategy selection (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.²⁴

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 the execution of nearly every negotiated agreement. CNS is particularly effective in diverse situations – 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 learning of and then 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 essence, CNS proposes that two groups working together will come up with a solution that is 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 also 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. 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 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. CNS works best when parties 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 is 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.²⁵ 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.

1. CNS Changes Negotiation from a Contest of Wills to a Search for Solutions²⁶: By focusing on the problem, especially the underlying interests, 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. 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).

2. CNS not only Focuses on the Problem but Actively Manages the Relationship: In a negotiation, developing a friendship is not the goal. 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. By framing the search 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 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 a delivery date. 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 “building partnerships,” etc.

Actively managing the relationship means paying attention to the opposite’s verbal and non-verbal cues. 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?”

3. CNS Focuses on Understanding 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 the interests from least to most important. This will become important when selecting a final option or solution.

4. CNS Allows for Solutions Based on Differences: CNS recognizes that parties have differing interests, priorities, preferences, and organizational needs. Understanding these varying interests and preferences may help improve the development of options as potential solutions because the brainstorming has focus; a focus on the priorities that each party has shared with the opposite. This search for options based on declared priorities changes the negotiation from a pattern of concessions to a genuine problem solving effort to find the best solution that is most likely to meet both parties' differing interests. For example, a systems operator's position might be to demand a fully mission-capable device. Conversely, the systems maintainer's position might be to provide minimally-capable equipment, based on his / her severely constrained maintenance personnel and parts resources. Both are interested in generating equipment to execute the mission (this is the underlying common interest). In exploring options, the two leaders may develop an option which generates a partially-capable device (meets the maintainer's interest of resource conservation), but sufficiently capable to meet the mission requirements (meets the operator's interest of getting that day's task done).

5. 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. In CNS, sharing information and thinking critically to better understand the information is in sharp contrast to the tendency to withhold and manipulate information that characterizes other negotiating strategies.

6. CNS Focuses on Expanding Solution Options (Expanding the "Pie"):²⁷ An Insist strategy creates a battle of wills rather than a meeting of the minds. In contrast, CNS allows parties to conceptually sit side-by-side in a search for value-creating opportunities. Both parties 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 coalition leader was negotiating with a local person for water deliveries. The local vendor was trustworthy, had a strong reputation, 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 coalition leader's was water. By using critical thinking questions and actively listening, the coalition leader negotiated with the vendor and discovered that for a few extra liters of diesel fuel, he could allow the vendor to use the space on the empty coalition trucks as they made their way from the parking area to the water pick-up point. The vendor could load the crops on these empty trucks as they made their way to pick up the next shipment of water. 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.²⁸

7. 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 there is no benchmark such as “Edmunds.com” for military decision-making. The AFNC 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 possible outcomes based on a cross comparison of negotiating strategies selected by you and your opposite are outlined in Table 1.

	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 each side's 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

6. 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 work the negotiation process.

a. 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 [Who, What, When, Where, Why, How Much, If, etc.]).

b. Letting Your Positions Drive Out Your Real Interests: People in a negotiation have a built-in bias to focus on their own *positions* rather than considering their deeper *interests*. Remember, a position is what you want; an interest is why you want it. For example, demanding a specific suspense date on a staff package (a position) from a subordinate unit without good insight of when your HHQ needs it could negatively impact your real interest which is probably quality staff work. Creating new value by reconciling your real interests with the opposite's interests requires patience and a desire to learn from your opposite. Remember to ask many questions and actively listen.

c. 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 a negotiation arise from differences among the parties. Remember, in difference there is strength.²⁹ Understanding that you and your opposite often 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 in a solution that satisfied each party's interests.

d. Neglecting BATNAs: A BATNA reflects a course of action available to negotiating parties. Know yours; do not forget theirs. Do not inadvertently weaken yours. The better your BATNA appears to you and your opposite, the more leverage it provides you. In the military environment, you often do not have a great BATNA – mission failure simply is not an option. But mission failure is also not a likely 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.³⁰

e. 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!).³¹ 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”.³²

7. SUMMARY

An Internet search will reveal literally tens of thousands of articles, books, self-help guides, and multi-thousand dollar seminars to help improve your negotiating skills.³³ 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. If possible, estimate your opposite's 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 using the TIPO Worksheet in Appendix 2. It will give you a hunch on how to proceed.

Know the two types of trust: process and personal. During a negotiation, constantly reassessing 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 Basic Negotiation Worksheet in Appendix 3 to prepare fully and to select a negotiation strategy. If circumstances allow, try the CNS first.

- The Air Force Negotiation Center (AFNC) is a reach back resource for your use. Need help, advice and / or training? Start with the web site: <http://Culture.af.mil/NCE/>

APPENDIX 1: GLOSSARY OF COMMON NEGOTIATION TERMS

Active Asking	Important negotiation and critical thinking skill. Asking questions that allow the opposite or other party to respond and frame an answer that provides necessary information to further the negotiation process.
Active Listening	Critical negotiation skill. First step in any dialogue is to pay attention, but active listening goes beyond this. Active listeners are engaged in the communication process. They provide feedback during the process and avoid biases.
Anchoring	Establishing position based on subjective information. Examples include the Manufacturer's Suggested Retail Price on a vehicle.
Aspiration Point	The best each party hopes to get out of a negotiated agreement.
Authority	From Robert Cialdini's <i>Influence: The Psychology of Persuasion</i> : People tend to agree or follow others in perceived or actual power positions or positions of authority. As an example, advertisers will use actors who play authority figures to endorse products even though they have no legitimate knowledge or expertise on the product.
Bargaining Range	The range between one party's aspiration point and their reservation point. An alternative way to define bargaining range is the range from one's anchor (initial offer) to one's reservation point. Depending on the situation, the aspiration point and anchor may be the same. Each party to a negotiation should know its own bargaining range, but the other party's (or parties') bargaining range may not be known without information sharing. For example, each party's reservation point will not be shared in a typical bargaining situation. Therefore, each party will know its own bargaining range

and can adjust it for each concession made be either party.

Barriers

Actions or words that may prohibit successful negotiations.

BATNA

Best Alternative To a Negotiated Agreement. An alternative to negotiation that you can execute independent of your opposite.

Bias

In negotiations, a personal or group tendency or inclination that prevents rational or reasonable decision making. Can be called a prejudice. A barrier to critical thinking or interest development during negotiations.

CNS

Cooperative Negotiation Strategy. Modeled after classical interest base negotiation principles, the Negotiation Center developed CNS as a tool for the military negotiator. CNS balances mission and relationships to choose negotiation strategies including cooperative, settle, insist, comply and evade.

Coercive Power

Power gained by perceived ability to harm or withhold reward.

Comply Strategy

A negotiating strategy from the NPSC. The comply strategy reflects low interest in task orientation and high interest in people orientation. The negotiator is concerned with establishing, preserving or improving his/her reputation or relationship. "We will do it your way."

Concession

Something given up while bargaining or negotiating with another party. It can be substantive, such as a price adjustment in the typical used-car negotiation, or it can be an intangible such as a promise to do something. Concessions can be unilateral without any reciprocal concession by the opposite, or it can be conditional. An example of a conditional concession: I'll give up this, if you give up that. Concessions reduce the known bargaining range in quantifiable negotiations.

Consistency/Commitment

From Robert Cialdini's *Influence: The Psychology of Persuasion*: Psychologists

have identified that people are motivated to and highly desire consistency. They want to feel that they are following a logical and similar path to others. One example of this behavior is the use of the secret ballot. If you were to use a show of hands in a public vote, some may vote in a certain way to be consistent with the largest voting group.

Convergent Thinking

Convergent thinkers tend to see problems as obstacles. The problem is a target to be destroyed, managed or overcome. They are capable problem solvers in crisis situations. Effective, but often set their mind on one solution. Normally rational, and principle-based.

Cooperative Negotiation Strategy

A negotiating strategy from the NPSC. The cooperative negotiation strategy or CNS reflects high interests in both people and task orientations. Based on the classic IBN model. The cooperative strategy seeks to create new value within available resources. Not a zero-sum process.

Critical Thinking

A challenging concept to define, but an important characteristic to obtain. Simply put a critical thinker looks at all parts of a complex issue or problem with a fair, open-minded, and unbiased perspective. The Joint Staff Officer Handbook has a brief description of the critical thinker and states the critical thinker has a "willingness to see ambiguities, multiple potential solutions to a problem, recognition that few answers are black and white, and an interest in exploring the possibilities."

Cross-Cultural Competence

As defined by the Air Force Culture and Language Center - the ability to quickly and accurately comprehend a culturally-complex environment, and then appropriately and effectively act to achieve the desired effect. See http://www.culture.af.mil/library/pdf/3c_factsheet.pdf

Culture

As defined by the Air Force Culture and Language Center - the creation, maintenance

and transformation across generations of semi-shared patterned of meaning, sense-making, affiliation, action and organization by groups. See <http://www.culture.af.mil/>

Deductive Reasoning

A form of reasoning that arrives at conclusions based on arguments anchored in overarching principles. For example: if taking a human life is considered unacceptable, then the death penalty as a punishment in the criminal system must also be unacceptable.

Demand

Your take it or leave it offer. A statement of terms with no room for adjustment. Often used in positional bargaining.

Direct Negotiations

The process of negotiation directly between two principles. Normally the least complicated negotiation process.

Distributive Bargaining

Competitive or win-lose based on limited resources where the parties work to divide the resources to claim maximum value for their side. Each party's goals are typically in conflict with each other. A zero-sum bargaining approach. Normally uses the comply, insist, or settle strategy.

Divergent Thinking

Divergent thinkers tend to see problems as opportunities. The problem is a starting point from which to imagine solutions. They are creative and spontaneous and are comfortable with uncertainty and ambiguity. Often dislike settling on one solution.

Evade Strategy

A negotiating strategy from the NPSC. The evade strategy reflects low interest in people orientation or task orientation. The negotiator seeks to avoid engagement or negotiations.

Expert Power

Having knowledge in either how to do a process or specific subject matter knowledge.

Framing

The way interests or desires are explained or stated. Specific words and word patterns are important in how items are framed verbally.

High Context Culture

Edward Hall's *Beyond Culture* is the basis for a discussion on describing culture using the high / low framework. Deals with the idea of communications styles and messaging within a culture. High context cultures communicate in a less direct manner. They use messaging through context and delivery with many implied and non-verbal communications. This messaging can be very complex, but is normally well understood within a cultural group, but not well understood outside the group. This is especially true as a low context culture attempts to understand a high context culture. As with any model, this is a rule of thumb. Example high context cultures include those in Japan, China, Africa, the Middle East, etc.

IBN

Interest Based Negotiations.

Indirect Negotiation

The process of negotiation that employs agents to represent the principles. A typical example would be the use of real estate agents to represent the principles in the sale of a house. Often used in initial diplomatic negotiations. Agents may be needed for their expertise, detachment of the principle, or tactical flexibility for the principle.

Inductive Reasoning

A form of reasoning that arrives at conclusions based on the observation and gathering of data, evidence or circumstances. For example: although taking a human life is generally considered unacceptable, when the evidence is compelling, such as the reprehensible and senseless rape and murder of an innocent girl is brought before the criminal justice system, then the death penalty can be justified as an acceptable punishment based on the viciousness of the crime.

Influence Power

A combination of reward and coercive power. Developed through a working relationship.

Information

1. Facts, data, or instructions in any medium or form.
2. The meaning that a human assigns to data by means of the known conventions used in

	their representation. Source JP 3-13.1.
Insist Strategy	A negotiating strategy from the NPSC. The insist strategy reflects low interest in people orientation, but high interest in task orientation. The negotiator wants to see all his/her interests or outcomes met with little regard to people or relationships. "My way or the highway."
Interest	Underlying reason you are aspiring to a position.
Integrative Negotiation	Synonymous with the Cooperative Negotiation Strategy. This is a collaborative or win-win approach that looks to create value rather than just claim it (as in distributive bargaining). Goals are not mutually exclusive. A more partner-like approach that uses concepts from interest-based negotiations for both parties to maximize their gains.
Interrogative Questions	Questions using "who, what, when, where, how much, and why." Allows for answers that can reveal interests.
Legitimate Power	In the military this is quickly identified because of rank or position. Power gained when you see the authority of others as legitimate/legal/acceptable.
Liking	From Robert Cialdini's <i>Influence: The Psychology of Persuasion</i> : People will agree with other people that they admire or with their group of friends. The use of "home parties" to sell products to friends is one example of using this concept to increase sales. It is the same reason car dealers use models to advertise their cars as an endorsement by attractive people.
Low Context Culture	Edward Hall's <i>Beyond Culture</i> is the basis for a discussion on describing culture using the high / low framework. Deals with the idea of communications styles and messaging within a culture. Low context cultures are opposite of the high context with direct communications and do not hold back in

their messaging. Examples of low context cultures include the United States, Canada (English speaking), Australia, etc.

Multi-Party Negotiations

Negotiations between three or more parties.

Offer

A statement of terms which anticipates a counter-offer. It is more flexible than a demand.

Opposite

The person or group with whom you are engaged in negotiations. Sometimes called the negotiation partner, or even adversary, the opposite recognizes the idea that you lack agreement and must negotiate to solve a problem or reach an agreement.

Personal Trust

Trust established between two people who share interests. Example would be in a high-context culture with a strong, informal tribal structure that calls for trusting relationships between leaders.

Position

What you want. Your vision of your best possible outcome. A negotiating position is not haphazard. It should be based on carefully developed interests and desired outcomes.

Power

Power has many definitions, but it can be simply the ability to control outcomes or gain desired outcomes. If you have power you can get things done or achieve your desired objectives. Power comes in many forms to include expert, reward, coercive, legitimate, and referent. Power is also gained through information and relationships.

Power Over

The power is "fundamentally domination and coercive in nature." The other party might feel powerless or dependent if the opposite is using "power over."

Power With

Power that is jointly developed and shares power with the others involved. The other party might feel empowered and independent if sharing "power with." In the Cooperative Negotiation Strategy this power reflects the interests of both parties.

Process Interests	Interest in establishing or reflecting a specific and logical sequence for a desired outcome. The problem solving effort will establish a specific process or procedure.
Process Trust	Trust established in procedures, institutions, or structures. Examples in a low context system would be the legal system of the United States.
Psychological Interests	Interest in an outcome that provides a non-material reward such as an apology or recognition of position.
Reciprocity	From Robert Cialdini's <i>Influence: The Psychology of Persuasion</i> : Considered a powerful means of influence, people can feel obligated to return a gift or favor even if it is given freely and without condition. This is the idea behind free samples. If you are given a small sample at the store, you may feel obligated to purchase the product.
Referent/Charismatic Power	Power because people either have a high identification with and /or respect/admiration for you.
Reframing	Communicating an idea is a new way or "frame" to broaden the view or perspective of your opposite. Much more than restating an idea, it is stating a concept or idea in a new way to expand the perspective of the discussion or interaction. A way to counter "thin slicing."
Reservation Point	The least favorable option or offer either site might accept. Your bottom-line in the negotiation.
Reward Power	Power gained by perceived ability to compensate the opposite.
Scarcity	From Robert Cialdini's <i>Influence: The Psychology of Persuasion</i> : A classic way to attract or influence. Often used in negotiations as a tactic to pressure a decision. You may be told that the "offer is on the table for only the next hour." The

opposite's desire is to make you commit. In sales it is the idea of a car advertisement that says only two left in stock. This is trying to say "There are very few of these left and this may be the last one." You do not want to miss this deal and are influenced to buy.

Settle Strategy

A negotiating strategy from the NPSC. This option is used when task and people orientation are similar or equal and the desire to develop a compromise solution. "Let's split the difference and call it a day."

Social Proof

From Robert Cialdini's *Influence: The Psychology of Persuasion*: The classic concept of "Everyone is doing it!" You will look at the behavior of larger groups of society and model your behavior after the group. This form of influence can sometimes explain positive or negative behaviors. This is why groups will dress alike or purchase the "popular" toy at Christmas.

Stakeholder/Constituents

People outside the negotiation process who are impacted by the negotiation process.

Substantive Interests

Interest in material success in a problem solving process. Reflects a desire for fiscal or material reward.

Thin Slicing

A term used to describe decision making or development of evidence based on limited information or "thin slices" of reality. For example, thin slicing limits one's ability to see the entirety of a complex situation, to see all sides of an argument, or to fully consider the interests of all parties in a negotiation.

WATNA

Worst Alternative To a Negotiated Agreement. A WATNA is essentially your worst estimate of your BATNA. In estimating the WATNA, you are giving maximum weight to the negative variables in your BATNA. For example: if you are buying a car, a BATNA might be to leave your current negotiation and engage with another dealer. A WATNA would be to realize that when you get to the other dealer, they may have no car that you are interested in.

ZOPA

Zone Of Possible Agreement. The area of overlap between each party's Bargaining Range. See also Bargaining Range. When there is no overlap of each party's Bargaining Range, there is no ZOPA, and therefore, there is no reason to continue negotiations without introducing a reason to adjust the Bargaining Range of at least one party to create overlap (ZOPA).

APPENDIX 2: TRUST, INFORMATION, POWER, OPTIONS (TIPO) WORKSHEET

	YOURS	THEIRS
TRUST High? / Low? Type: Process or Personal Trust building an option? Time needed to build Trust?		
INFORMATION Source? / Value? Who has more? Sharing or Hoarding?		
POWER Power Over or Power With? Source? Sustainable? How the Opposite values your Power		
OPTION(S) Pursuing one / many Options Mutual understanding of the Problem? Resources to support Option(s)? Limitations? Time Constraints?		
BATNA Strong/Weak? Can you protect yours? Can you influence theirs? WATNA?		

Negotiation Strategy Recommendation Matrix					
T-Trust	I-Information	P-Power	O-Options	BATNA	Recommended Strategy
Low	Low	Low	Few/None	Weak or Strong	Evade
Low	High	High Power Over	Some	Weak or Strong	Insist
High	Low	Low	Few/None	N/A	Comply
Low/Med	Low/Med	No Advantage	Some/Few	Weak	Settle
High	Willing to Share	High Power With	Some	Weak	Cooperate

The AFNC Negotiation WORKSHEET

Below are two negotiation planning and execution worksheets. Annex A contains a basic outline, and Annex B contains an expanded worksheet, to include critical thinking questions. Although these worksheets are generally used to plan and execute the CNS in combination with a TIPO assessment, these worksheets can help in any negotiation.

Annex B, the “Expanded” Negotiations Worksheet, has numerous critical thinking 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, determine 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 considering “the opposite’s side,” in essence, planning the negotiation from their perspective. You may be making informed guesses, but it will help you anticipate potential issues and plan the best course of action.

Annex A: AFNC Negotiation Worksheet

Annex B: AFNC Negotiation Worksheet (Expanded)

AFNC NEGOTIATIONS WORKSHEET		
	You	Opposite
<i>Position</i> <i>Aspiration / Reservation Points</i>		
<i>Prioritized Interests</i>		
<i>BATNAs</i>		
<i>Agenda</i>		
<i>Develop Options for Mutual Gain</i>		
<i>ZOPA</i>		
<i>Select the Best Option</i>		

AFNC Negotiation Worksheet (Expanded)		
	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: <i>What is the least you are willing to accept?</i></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>Prioritized Interests</p> <p><i>Why</i> do I want above outcome?</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 this as an individual case or part of a larger situation?</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 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, economics, tradition, etc.)? What might the opposite’s perceptions be</i>

AFNC NEGOTIATION WORKSHEET (EXPANDED)

<p>Prioritized Interests <i>(continued)</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>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 stakeholders. 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><i>BATNA: an action that may be pursued by your side without any consultation or agreement by the opposite.</i></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><i>A BATNA may also be pursued by the opposite without any consultation or agreement by you.</i></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 can, in turn, exert influence on

AFNC NEGOTIATION WORKSHEET (EXPANDED)

<p>opposite? 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>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 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?
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AFNC NEGOTIATION WORKSHEET (EXPANDED)

<p>AGENDA</p>	<p><i>Who should build the agenda? Location? Support equipment? Protocol? Interpreters? Recorders?</i></p> <p><i>- Should the proceedings be recorded (video)? If only written documentation is allowed, in what language (both)?</i></p> <p><i>What topic might be strictly “off limits”?</i></p> <p><i>- Are these automatic de-railers? How might you avoid them?</i></p> <p><i>What might need to be addressed “away from the table”?</i></p> <p><i>How are trial balloons offered?</i></p> <p><i>How do you say “yes”, “no”, and “maybe”?</i></p> <p><i>What might the most appropriate approach for the body of the agenda? Going beyond “full proposal” or “issue at a time”, consider:</i></p> <p><i>- Broaden/Narrow – Should you add or subtract issues from the table help to create a common interest?</i></p> <p><i>Who should go first? What should go first? An easy issue (trust building?) or a hard issue?</i></p> <p><i>Is there an action you can take to help develop trust (provide information, demonstrate sincerity)?</i></p> <p><i>Is there a pre-emptive concession that is low cost to you but high value to the opposite that would help build reciprocity expectations?</i></p> <p><i>What will your opening statement be (the “first 90 seconds”? What do you expect the opposite’s “first 90 seconds” to be?</i></p>
<p>Develop Options for Mutual Gain</p>	<p><i>Satisfying as many interests of both parties as possible.</i></p> <p><i>- Where might your interests and the interests of the opposite coincide?</i></p> <p><i>- Are there areas of mutual agreement?</i></p> <p><i>- What actions (or combination of actions) might support the attainment of these mutual interests?</i></p> <p><i>- How might these actions be coordinated? Verified?</i></p>
<p>ZOPA</p>	<p><i>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?</i></p> <p><i>- Gather information & identify the ZOPA</i></p> <p><i>- Test assumptions and motives</i></p> <p><i>- Learn from the opposite. Listen carefully and ask clarifying and follow-up questions. Separate assumptions from facts.</i></p> <p><i>- Be prepared to learn/modify as facts are unveiled.</i></p>

AFNC NEGOTIATION WORKSHEET (EXPANDED)

	<p>- <i>Understanding priorities and why the priorities are the way they are</i> - <i>Brainstorming – is the opposite amenable to divergent thinking and brainstorming?</i></p>
<p>Select the Best Option</p>	<p>Which Negotiation Strategy offers the best chance of success?</p> <p>Which strategy does the TIPO analysis recommend?</p> <p><i>Low Trust, high Power Over: Insist Strategy</i> <i>High mutual Trust, Information sharing, high Power With: CNS</i> <i>Low or no Trust, Information, Power, Options: Evade</i> <i>High Trust, low Information and Power: Evade, Comply, or Settle</i> <i>Some Trust, some Information, no Power advantage: Settle</i></p> <p>Objective Criteria</p> <p><i>What criteria can parties agree to as objective measures of merit for each option?</i></p> <p><i>History, precedent, third party standards, industry standards, law, tradition, etc.</i></p> <p><i>Where are possible sources for objective selection criteria?</i></p> <p><i>a. Within the respective parties’ constructs (civil, criminal, social, political, economic, etc)? – What is the relevant law?</i> <i>b. Within the region? – might there be regional criteria to consider?</i> <i>Other examples within the region (especially if the example is of a regional power that the countries both respect)</i> <i>c. Within bilateral documents / agreements? (SOFA, etc.)</i> <i>d. Within regional documents / agreements? (Might there be a regional / coalition agreement?</i> <i>e. Within international agreements / agreements?</i> <i>f. Is there any precedent? (Where has this happened before?)</i> <i>g. Does the culture consider “golden rule” type criteria “do unto others....”?</i> <i>Is there other “quid pro quo” criterion that is part of the social fabric and / or custom? How is it enforced?</i> <i>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)</i></p>

AFNC Negotiation Execution Checklist	
At the Table	<p><i>Managing the process at the table</i></p> <ul style="list-style-type: none"> - <i>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?)</i> - <i>Sequencing – How do you want to sequentially organize your negotiation?</i> - <i>Shaping perceptions</i> - <i>Structuring the deal – is there a need for interim summaries / agreements?</i> - <i>Closure – how do you plan on converting from divergent thinking (option development) to convergent thinking (solution selection)?</i>
Away from the Table	<p><i>Managing the process away from the table</i></p> <p><i>How do you call an “intermission”?</i></p> <p><i>How do you manage communication with the stakeholders (who are not at the table) during negotiations?</i></p>
Impasse	<p><i>Overcoming Impasse</i></p> <ul style="list-style-type: none"> - <i>Cause of impasse? Positions? Can they be changed? Is there currently no ability to see common ground?</i> - <i>Need to move to distributive style?</i> - <i>Influence of third party power?</i> - <i>Mediation?</i> - <i>Change location (perception of time court advantage?)</i> <p><i>Change timing of certain events?</i></p> <ul style="list-style-type: none"> - <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	
Goal is to self-assess for future skills improvement	<p><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></p> <p><i>Compare outcome to BATNA</i></p> <p><i>What transpired during the negotiations that followed the plan? Were the initial assessments / perceptions accurate?</i></p> <p><i>What changes were you able to accommodate and why?</i></p> <p><i>What changes were unanticipated? Could they have been foreseen with a modification in the planning process?</i></p>
Can also act as a tool for mentoring others on negotiations	<p><i>Do you anticipate a good basis for follow-on negotiations should problems arise in execution? If so why, If not, why not?</i></p> <p><i>What lessons can you extract from this negotiation to help mentor others? Successes failures, insights, etc.</i></p>

	<p>Cultural Considerations / Perspectives Guide</p> <p>The questions below ask you to examine and consider both the opposite’s culture as well as yours. Perspective taking is critical in cross-cultural negotiations. 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. Then take the perspective of how you see yourself and how the opposite might see themselves. Insights from these four perspectives should be instructive to your negotiations. 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.</p>
<p>Cultural Architecture</p>	<p><i>SECTION I: Cultural architecture</i> <i>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</i></p> <p><i>Individualistic or communal culture (Individualist or Collectivist)?</i></p> <ul style="list-style-type: none"> - <i>Individualistic / Egalitarian sets value according to 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.</i> <p style="text-align: right;">Mantra: Live to work</p> - <i>Collectivist: 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.</i> <p style="text-align: right;">Mantra: Work to Live</p> <p><i>Negotiation’s Purpose: Is the priority on “sealing the deal” or to “cultivate / maintain and relationship”?</i></p> <ul style="list-style-type: none"> - <i>Individualists 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)</i> - <i>Individualists may also consider the issue at hand in isolation “Let’s solve this problem and move on”</i> - <i>Collectivists may see negotiations as a necessary evil as other lower processes to resolve issues have failed. May approach the process with deductive reasoning (conclusions to the specific flow from general irrefutable principles). May prefer general agreements without much detail</i> - <i>Collectivists 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”. An Individualist based “solution” may not</i>

AFNC NEGOTIATION CULTURAL CONSIDERATIONS

be seen in a Collectivist culture as a true “solution”

Linear approach or relative approach to time?

- *Individualists 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.*
- *Collectivists may emphasize time as a gift to be shared to show respect for the other. 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?

- *Individualists emphasize 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”*
- *Collectivists emphasize 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*

AFNC NEGOTIATION CULTURAL CONSIDERATIONS**Regional
Culture
(continued)****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

- Are the culture boundaries of the region and the political boundaries the same (in post-colonial nation-states this is often not true)? If not, you political boundary (COCOM) perspective may not be seen as germane to a negotiator who values the cultural boundaries that were there long before the political boundaries were established..

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?
- Relationship with the emerging powers?
- 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 INVOLVED IN 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

Culture Summary	<p><i>between.</i></p> <p><i>Summative items:</i></p> <ul style="list-style-type: none"> - <i>Top Consideration: How do they and the opposite's people view you and your "people"?</i> - <i>Cultural underpinnings of this top consideration</i> <ul style="list-style-type: none"> -- <i>Individualistic or collectivist?</i> -- <i>Context/Communications: high context (indirect) or low context (direct)?</i> -- <i>Time perspective: linear or circular?</i> -- <i>May this issue be treated distinctly and separately or is this part of a larger series of issues?</i> -- <i>Relationships: formal or informal?</i> -- <i>Agenda: full proposal or approaching the negotiations an issue at a time?</i> -- <i>Are trust-building measures in order? Do they have to know you before they deal with you (personal trust)?</i> -- <i>Language: what language? The opposite's / yours / an interpreter?</i> -- <i>Outcome: Is the relationship more important as the outcome or the agreement?</i> -- <i>Impasse: how might they respond to an impasse?</i>
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ENDNOTES

¹ *Warrior / Negotiator: No Longer an Oxymoron, but a Necessity* is accessible at <http://culture.af.mil/NCE/>.

² "...yet the true creator is necessity, who is the mother of our invention." Plato, *The Republic*. Translated by Benjamin Jowett, Gutenberg epub version, 52 of 271, <http://gutenberg.org/ebooks/1497> last accessed 15 Oct 2012.

³ Developed by the AFNC in December of 2007. It adapts to the military context several classic conflict management models, among them the Thomas-Kilmann Conflict Management model (see Thomas, K. W., and Kilmann, R. H. *The Thomas-Kilmann Conflict Mode Instrument* (Mountain View, CA: CPP, Inc., 1974)) and Rubin, Pruitt and Kim's Dual Concerns Model (see Rubin, J.Z., Pruitt, D.G., & Kim, S.H. (1994). *Social conflict: Escalation, stalemate, and settlement*. New York: McGraw-Hill). The NPSC took these concepts and adapted them to some of the unique aspects of 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 destroying a relationship or denying the opposite some or all of their objectives.

⁴ This section relies heavily on the "Essential Negotiating Terms" found in the NCE's *Warrior/Negotiator: No Longer an oxymoron, but a necessity*

⁵ Lewicki, Roy J., Bruce Barry, and David M. Saunders, *Essentials of Negotiation*, (New York, NY: McGraw Hill, 2007), 65-66.

⁶ *Ibid*, 115.

⁷ Roger Fisher and William Ury popularized this acronym in their 1981 bestseller, *Getting to Yes: Negotiating Agreement without Giving In*, (New York: Penguin Books, 1991), pp. 97-106.

⁸ Lewicki, et al, 12.

⁹ Cohen, Steven. *Negotiating Skills for Managers*. (New York: McGraw Hill, 2002), 163-164.

¹⁰ *Ibid*, 119-124.

¹¹ *Ibid*.

¹² *Ibid*.

¹³ Fisher, Roger and William Ury. *Getting to Yes: Negotiating Agreement Without Giving In*. (New York: Penguin Books, 1991), 97-106.

¹⁴ Raiffa, Howard. *The Art and Science of Negotiation*. (Cambridge, MA. Harvard University Press, 1982), 33.

¹⁵ Lewicki, et al., 14.

¹⁶ AFDD 1-1 *Leadership and Force Development*, 8 Nov 2011, 53

¹⁷ Developed by the AFNC in May 2011. Based on extensive feedback by the DOD Special Operations Community.

¹⁸ The United States Air Force Core Values. 1 January 1997. Available at: <http://www.e-publishing.af.mil/shared/media/document/AFD-070906-003.pdf> . Last accessed 9 Oct 2012.

¹⁹ Lewicki, et al., 150-165

²⁰ Bellis, Mary. *The Invention of VELCRO® - George de Mestral*. Available at: <http://inventors.about.com/library/weekly/aa091297.htm>. Last accessed 15 Oct 2012.

²¹ 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.

²² Cohen, Steven. *Negotiating Skills for Managers*. (New York: McGraw Hill, 2002), 163-164.

²³ Fisher, Roger and William Ury. *Getting to Yes: Negotiating Agreement without Giving In*. (New York: Penguin Books, 1981)

²⁴ Roberts, Wess. *Leadership Secrets of Attila the Hun*. (New York: Warner Books, 1987), 82-84.

²⁵ This is suggested due to the author's use of an AFNC developed CD-based game where PME students voluntarily revealed their NPSC preference. This CD is made available as part of the coursework for many AFNC sponsored seminars and PME classes and electives.

²⁶ Fisher, Roger and William Ury. *Getting to Yes: Negotiating Agreement without Giving In*. (New York: Penguin Books, 1981)

²⁷ Fischer and Ury, 56-80.

²⁸ 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.

²⁹ Attributed to American singer and songwriter Ani DiFranco (1970). "I know there is strength in the differences between us and I know there is comfort where we overlap." <http://www.songlyrics.com/ani-difranco/overlap-lyrics/> last accessed 23 October 2012.

³⁰ 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.

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³¹ 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.

³² See <http://www.gspawn.com/> for a description of the History Channel program. Last accessed on 8 June 2011.

³³ 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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