

Soldier's Guide to Negotiation



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“It became clear to me that at the age of 58 I would have to learn new tricks that were not taught in the military manuals or on the battlefield. In this position I am a political soldier and will have to put my training in rapping-out orders and making snap decisions on the back burner, and have to learn the arts of persuasion and guile. I must become an expert in a whole new set of skills.”

– General George C. Marshall



“There are many times when platoon leaders and platoon sergeants at roadblocks, and company and battalion commanders working in cordon and search operations, must negotiate and communicate with potential belligerents. Leaders need to know that they may be placed in a position that requires them to mediate or negotiate on the battlefield.”

– Lieutenant General L. Magruder, III, USA Retired
Former CG, Joint Readiness Training Center

Foreword

Negotiations can be a challenging and complex process. We negotiate at many levels every day. Negotiation is not always about “the other” or those we encounter while deployed. In fact, we often apply negotiation skills to interactions within our own organizations and personal lives.

Negotiation contexts are always changing depending on your Area of Operations, the social situation, and the environment. It is important to keep an open mind in approaching any engagement, meeting, or negotiation. Remember that both parties are at the table because both parties want something.

This guide offers basic information on the negotiation process, as well as specific examples on approaches, strategies, styles, techniques, and tactics. The appendix offers further guidance and includes the negotiation planning sheet and checklist.

Although all situations are different—learning, practicing, and improving the skills outlined in this guide will assist Soldiers in accomplishing key tasks in today’s operational environment.



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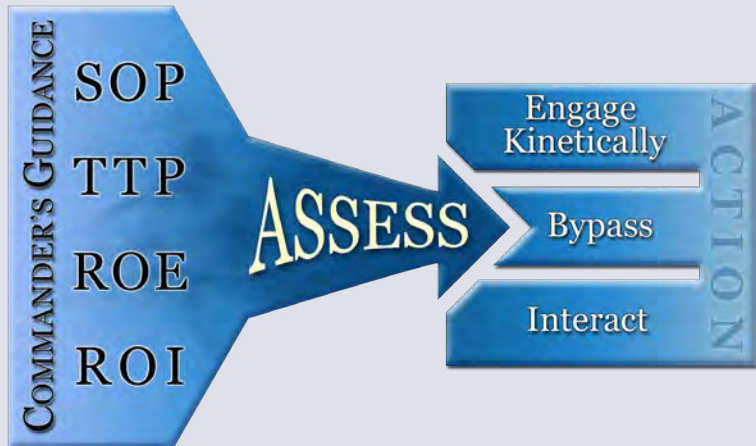
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Choosing to Negotiate

Negotiation, like any other type of interaction, is a choice. As Soldiers, you have many situations in which you might choose to negotiate. In most situations, we are guided by our commander's guidance, SOPs, TTPs, ROE, and ROI. Looking at it simply, these rules and guidelines provide us with three choices: Engage Kinetically, Bypass, or Interact. Assess the situation to determine your plan of action.

The first two choices—Engage or Bypass—offer a set number of outcomes, whereas interaction has an almost infinite number of outcomes. In cases where kinetic engagement and bypassing are not the best choices, interacting can fill that gap. Interacting includes rapport-building, key leader engagements, negotiation, and mediation, for example. This guide focuses on negotiation. Interactions, whether situational or preplanned, usually follow three phases: **PREPARE**, **IMPLEMENT**, and **EVALUATE**.



Negotiation Phases

In planning for any meeting or negotiation, understand what you need and want, the rules of engagement and your commander's guidance. Use the resources and expertise around you. There are a variety of steps and processes used throughout the Army; this guide uses Prepare, Implement, and Evaluate as the three primary phases. The header color on each page is reflective of the phase.





Note: For training purposes, the three phases are separated. Often times, the phases run simultaneously. The evaluation process is on-going; sometimes the situation and context may require immediate adjustment.

Negotiation Approaches

Modern techniques emphasize the integrative approach and often discount the distributive approach. Each has advantages and disadvantages. In planning for a negotiation, consider the desired outcome (both sides), the situation, the context, and the cultural considerations. This helps to determine an initial approach. During the negotiating process, you may need to adjust or completely change the approach based on evolving circumstances or new information. The following sections outline these approaches.

Distributive

- Usually known as “win-lose” or “fixed-pie” approach; there is only so much available for parties to gain.
- Often times, it involves a one-time or short-term meeting and interpersonal relationship.
- The parties are not usually concerned about how they are perceived. Interests tend to be self-serving.
- Focus tends to be on the positions or the “what.” For example, “I need more checkpoints.”
- Typically the interpersonal relationship is not as critical.

Integrative

- Usually known as “win-win” or “expanding-the-pie” approach. Both parties feel they have gained something.
- Fosters long-term relationships; this requires cooperation and trust building.
- Focus tends to be on the interests or the “why.” For example, “We need better security.”
- The relationship is crucial; mutual long-term gain is often the goal.
- Interest-based negotiation (IBN) is a form of integrative negotiation.

Interest-Based Negotiation (IBN)

IBN is an integrative approach focusing on relationships. Because long-term relationships are increasingly important, especially in counterinsurgency, we will look more closely at IBN in the following section using the negotiation planning sheet.

Essential components of IBN are:

- **Separate the people from the problem**
 - Focus on issues, not personalities.
 - May need to address and process emotions.
- **Focus on the interests not the position**
 - What are the reasons or ‘whys’ behind stated positions?
- **Determine Best Alternative to a Negotiated Agreement (BATNA)**
 - Determined prior to negotiation and refers to:
 - What each party has going into the negotiation. If an agreement or settlement is not reached, this is your alternative.
 - Knowing your BATNA before your start; any deal or offer should be at least equal to or better than your BATNA.
 - Comparing your BATNA to what you think your counterpart’s BATNA might be; this could allow you to negotiate from a position of strength or at least try to improve your BATNA.
- **Brainstorm for Mutual Gains**
 - Discover all the ways parties can work together to reach an agreement.
- **Use Objective Criteria to measure fairness or reasonableness of the agreement**
 - This might look different depending on the cultural context.

IBN was developed by William Fisher and Roger Ury from Harvard University. Read “Getting to Yes,” for further insight.

Separate the people from the problem – focus on issues, not personalities. During talks, there may be a tendency to forget that we are dealing with another person—another human being. The emotional aspect can range from helpful to disastrous. If we have a working relationship that is built on trust, this is a little easier. If we have a tenuous or no relationship, it can be even more difficult to separate the people from the problem. Consider the following:

- Perceptions:** Place yourself in their shoes (empathy); be mindful of your fears and theirs.
- Emotions:** Acknowledge your own and, if appropriate, validate the other party's. Allow time to process, discuss, and vent if needed. **REMEMBER, it is not about you; it is about the situation.** Emotions are expressed differently across cultures (even in the US).
- Communication:** Practice active listening skills. Try not to interrupt. Be aware of your and your counterpart's body language. The abilities to observe and ask questions are two important tools you can use.
- Assumptions:** If you don't know, ask. Apologize for any errors or faulty thinking, if appropriate.

If you are having difficulties separating the emotions from the issue, breathe (sounds easy, but when in doubt, breathe and count to ten). Consider silence or request a break. Be mindful of your emotional, physical, and spiritual attitude; this may affect the outcome.

Negotiation Planning Sheet

Preparing for the Negotiation	US Army	Counterpart
Position	<p>This worksheet incorporates the major components of IBN as well as a section for cultural considerations. Will all of your ideas and strategies fit into these tiny spaces? Probably not. Use this template as a guide; enlarge it; edit it to meet your needs. Is this the end all be all for negotiation prep? Of course not; use all available resources and expertise to assist. Ask questions, do your homework, prepare, and practice.</p>	
Interests		
BATNA		
Options for Mutual Gain	<p>If resources permit, at the very least, ensure you have a note taker to support the meeting. If possible, have an observer in place to watch for non-verbals and other interactions.</p>	
Objective Criteria	<p>Copy the blank planning sheet in Appendix C or download at https://atn.army.mil/dsp_template.aspx?dpID=476</p>	
Cultural Considerations		

Position

Assumed best outcome/solution

US Army

What is “our” position?

- Is the position unique to a single organization or must the scope of the position include the other organizations (other stakeholders)?
- Is this a new situation or continuation of another situation?
- Are there any existing agreements?
- What does your organization/chain of command/team want to have happen?
- What is the rationale for this position?

What do we want?

Counterpart

Other party’s position(s)?

- Do they present any existing agreement to support their position?
- Do they see it as a new situation or the continuation of another situation?
- Is there precedent or tradition?
- What does the other party’s chain of authority look like?
- What do you think they will desire as their “best position”?

What do they want?

Although “positions” are distributive, it is important to review these prior to a meeting in order to better understand the interests. Look at the scope of stakeholders, the chain-of-command, and existing agreements, etc.

Interests

Why do I want the outcome above? How important is the interest? Assign priority to each.

US Army

What is the context/situation/conditions/environment BEHIND your position, driving the negotiation? What are the major issues?

- What are the issues specific to this region outside of this individual case (economic, political, cultural, etc.)?
- What issues are specific to this individual case?
- ID your stakeholders. What are their position and interests? What are their relationships with the other parties? Who has power, why and how can it be affected?
- What will the effects be on other parties?

Why do we want this?

Counterpart

What is the context/situation/conditions/environment BEHIND their position, driving the negotiation?

- What are their major issues? What do they think ours might be? (Avoid mirror imaging, put issues in their context.)
- What are the issues specific to this region (other interested parties with power) outside of this individual case?
- Who are their stakeholders? Their position and interests?
- Who has the power?
- What will the effects be on other parties?

Why do they want this?

Remember “interests” are the reasons behind the positions. List and prioritize your interests. Consider short-term and long-term interests.

BATNA

What do I have if I don't reach an agreement?

US Army	Counterpart
<ul style="list-style-type: none">• What is/are the desired response(s) from the other party?• What action by the other party might trigger this event?• How might your stakeholders respond?• What are some consequences that are undesirable to your options?• How will executing the option affect your long-term relationship with the other party? With your stakeholders?• How much does the other party know about the option(s)? How much power/ability do they have to weaken your BATNA options? <p>What are our options before the meeting?</p>	<ul style="list-style-type: none">• What action by you might trigger this event?• How might their stakeholders respond? How might yours respond?• What are some possible consequences that are undesirable to their options? To yours?• How will executing the option affect their long-term relationship with you? With your stakeholders?• How much do you know of the details? How much power/ability do you have to weaken their BATNA options? <p>What are their options before the meeting?</p>

Determine the BATNA or the action or options that may be pursued by your side or the other party without any consultation or agreement or what we have if we “leave the table” or if the agreement fails.

Zone of Possible Agreement

Reservation Point

Aspiration Point

Best Alternative to a Negotiated Agreement (BATNA)

- Determined before implementation or meeting phase.
- What you currently have or what you will do if you do not reach agreement or if the meeting does not occur.
- It is critical to have a thorough understanding of potential 2nd and 3rd order effects for any alternative. What are the consequences? What is the impact on current and future relationships?
- Explore ways to improve your BATNA.

Zone of Possible Agreement (ZOPA)

- Range between **Reservation Point** (Referred to as Bottom line—the least you will accept) and **Aspiration Point** (the ideal outcome).
- Often used to gauge fairness.
- Do not allow the ZOPA to hinder any discussion and/or possibilities regarding options for mutual gains.
- Explore ways to improve your BATNA.

Consider the guidance, context and parameters of the mission when considering and accepting proposals.

Options for Mutual Gain

Satisfying interests of both parties when possible

US Army

Counterpart

The next principle is about expanding “the pie.” Once you know the parties’ interests and priorities, you can brainstorm options. It’s important to separate the act of inventing options from the act of deciding between them. Get the options on the table and then identify which best satisfy the parties’ interests. Look for ways to create value. They may not always be obvious; this is when your teammates that “think outside the box” or are creative may add value to this process.

Brainstorm for Mutual Gains and discover all the ways parties can work together.



Objective Criteria

Military Regulations, historical data, local norms, etc.

US Army

Counterpart

- “Standards” may often be treaties, international laws, limitations to U.S. law, what happened in the next village, how the previous commander handled a situation, or decided by the local leadership.
- There may be legal difficulties for commanders in providing logistical support, loaning equipment, constructing or repairing facilities, etc., due to limitations. The perceived failure to provide support to a counterpart might be misinterpreted as being uncooperative.
- Another point to remember from a cultural perspective is that the concept of “objective criteria” may not be the same in the various AOs.

Use Objective Criteria to measure fairness or reasonableness of the agreement. What method can you and the other party use to judge fairness?



Cultural Considerations

High/Low Context, Language, Status,
Gender, Emotions, etc.

US Army

Counterpart

- Be mindful of cultural behaviors and norms.
- How does a meeting start?
- What about greetings and introductions?
- Does this culture tend towards high or low context?
- What are my counterpart's experiences with:
 - Westerners?
 - Americans?
 - Soldiers?
- Keep in mind that the individual has a unique personality and may be different than the suggested cultural norms.
- Preparation and research are essential.
- **One might not have the luxury of time for a lot of prep and research; use Every Soldier is a Sensor (ES2) and active listening skills.**
- The next few pages offer guidance on cultural considerations.



Culture: High and Low Context



Culture is the final component on the negotiation planning sheet. Why does this matter to the military? It allows for a general baseline on which to create strategies for interacting and negotiating. The general terms “high context” and “low context” describe broad-brush cultural differences between societies.

High Context:

- Societies or groups where people have close connections over a long period of time (most rural societies).
- Many aspects of cultural behavior are not expressed because most members know what to do and think from years of interaction with each other.

Low Context:

- Societies where people tend to have many connections but of shorter duration (most urban societies).
- Cultural behavior and beliefs may need to be spelled out explicitly to teach new members of the cultural environment how to behave.

Culture: High and Low Context

Negotiating Factor	The range of influence from a lower to higher context could be from:
Goal	A Contract to a Relationship
Attitude	Competitive to Collaborative
Personal Styles	Egalitarian to Hierarchical
Communications Style	Facts to Stories (Direct to Indirect)
Regards to Time	Viewed as a “resource to use” to a “gift to share”
Emotion	Suppressed to Expressed
Agreement Form	Detail-oriented to Vague or General
Agreement building and processes	Inductive to Deductive (From bottom up to top down; from simple to complex)
Team	Empowered decision-maker(s) to Consensus-builder(s)
Risk Taking	High to Low
Horizon	Immediate to Long-term
Control	Deterministic to Fatalistic
Face and Honor	Important to Critical and Central
Identity	Nationalistic to Tribal
Success means...	Finality to Progress

Considering Culture

You have been introduced to high and low contexts and how culture could influence negotiating factors. How does this information benefit you in a negotiation? The following are some indications of how cultural information may be leveraged.

Ethnicity

- Indication of potential loyalties
- Use benefits to ethnic group as “carrot”

Religion

- Indication of potential loyalties
- Provides guidelines for behavior

Tribe

- Indication of potential loyalties
- Role in tribe indicates level of authority

Education/Travel

- Indicates level of exposure to “outsiders”
- Possibly greater openness to new ideas

Marital Status

- Does marriage equal increased status?
- Family connections through marriage?

Children

- Do children equal increased status?
- Topic for building rapport

There are a multitude of resources available to learn about cultures. TCC Smart Cards offer handy references for regional cultural interactions. TCC Smart Books can be useful read-aheads on specific regions.

Access these at https://atn.army.mil/dsp_template.aspx?dpID=476

Considering Emotions

Like culture, one can leverage emotions, if one knows what they are doing. Emotions play an important role in human interactions. Understanding emotions is essential to being able to leverage them. Although there are an infinite number of emotions, in general, emotions can be an asset or a hindrance to any interaction.



Surface emotions can be masks for other emotions. For example, unresolved grief could surface as anger. Part of leveraging emotions is looking at all the possibilities. When intentionally communicating a specific emotion, it is important to ensure that your signals are congruent: your body language (facial expressions, posture, eye-contact), your voice (inflection, tone, rhythm) and your words. It is necessary to actively listen and observe to assess the emotions or mood of your counterpart. Remember, they (or their assigned observer) are watching and assessing you too.

Genuine Emotions

- **Acknowledge emotions—yours and your counterpart's**
 - Counterpart may be very thankful coming to the table
 - Offer appreciation and gratitude
 - Recognize counterpart's honor and status
- **Recognize the potential risk counterpart may have taken coming to the table**
 - This risk could cause fear or discomfort
 - Offer comfort or information to relieve fears, if collaboration is important
- **Counterpart's emotions could result from something beyond the meeting**
 - If you sense there is more, ask open-ended questions about positions and interests. Answers may provide insight into mood or emotions.



Strategic Emotions

- **Identify emotions**
 - If counterpart's current mood is helpful to the negotiation, reinforce
 - If counterpart's current mood is not helpful, stop reinforcing current behavior

Reinforcing Current Emotions

- **Show agreement or approval of counterpart's current mood by offering verbal positive reinforcement**
- **Show approval by offering non-verbal cues such as nodding, leaning-in closer, maintaining an open stance**

Changing Current Emotions

- **If one negotiator conveys a particularly strong emotion (positive or negative), it is likely that counterpart will start displaying a similar emotion**
 - If you want your counterpart to behave a particular way; behave in kind using your body language, voice, and words
- **Use negative reinforcement (indirect eye contact, non-responsiveness, verbal statements of disinterest) to change counterpart's current mood**
- **Once (and if) partner begins to behave in the desired way, reinforce behaviors with verbal and non-verbal cues**

Negotiation Styles

Negotiation styles are a critical component of negotiation. There are five styles in conflict resolution. A person's behavior in conflict situations can be assessed along two basic dimensions:

Assertiveness, the extent to which the individual attempts to satisfy his or her concern.

Cooperativeness, the extent to which the individual attempts to satisfy the other's concern.

**Competing
or Insisting**



**Collaborating
or Cooperating**



**Compromising
or Settling**



**Avoiding
or Evading**



**Accommodating
or Complying**

LOW Cooperativeness or Concern for Others HIGH

LOW Assertiveness or Concern for Self HIGH

Competing / Insisting

Power-oriented mode

Push your position and win

Key Uses: Execute quick action, make unpopular decisions, and emergency situations

Consequences of Overuse: Lack of feedback, reduced learning and low empowerment

Consequences of Underuse: Lowered level of influence, indecisiveness, slow action and withheld contributions

Military Example

- Your counterpart has key, time-sensitive information that may endanger the lives of your soldiers. You inform him that if he does not cooperate, that you will have him arrested in front of his peers.
- Two feuding groups will begin open fighting unless your counterpart agrees to a cease-fire. He is resistant, but you tell him you will remove your soldiers from protection detail in the village if he does not comply.

Collaborating / Cooperating

Relationship-oriented mode

Seeking “win/win” solutions

Key Uses: Integrating solutions, learning, merging perspectives, gaining commitment, building trust, improving relationships

Consequences of Overuse: Diffusion of responsibility, others may take advantage, work overload, time-intensive

Consequences of Underuse: Using quick-fix solutions, lack of commitment by other team members, loss of innovation

Military Example

Your counterpart requests identification cards (IDs) for local officials so that they can pass through checkpoints faster. You initially hesitate. It is important to maintain a positive relationship with the local leaders in order to support long-term security in the area. While reviewing the process for issuing IDs, you recall that you would have to take photographs. You realize that you could collect biometric data during this process. You tell your counterpart that you can issue the IDs, as long as you can collect the biometric data.

Compromising / Settling

Relationship-oriented mode

Losing some to win others

Key Uses: Equally powerful parties and committed to opposing views; issues of moderate importance

Consequences of Overuse: Loss of long-term goals, lack of trust, creates cynical environment, viewed as “wishy-washy”

Consequences of Underuse: Difficulty making concessions, difficulty getting out of destructive arguments or failure to get “fair share”

Military Example

- Although it may strain your team’s resources, you agree to perform an extra patrol in the neighborhood for the next few weeks if your counterpart will direct you to the house where local militants are staying.
- Your team is searching for a new interpreter. You want to hire from the local village to enhance your relationship with them. You want the hiring process to be a fair selection, so you begin interviews. The village elder wants you to hire his son. Although you are against nepotism, you agree to hire him so that the elder will host a meeting to introduce you to the village, acting as your sponsor.

Avoiding / Evading

Delay-oriented mode

Not pursuing either parties' issues

Key Uses: Issues of low importance, reduce tensions, strengthen BATNA, redefine success, create more options, others need to deal with the conflict

Consequences of Overuse: Low level of input, decision-making by default, allowing issues to fester

Consequences of Underuse: Possible increased level of hostility and hurt feelings

Military Example

You enter a small city, attempting to locate some local militants who may or may not be in the area. Instead of giving you information, your counterpart is pushing for your team to provide his people with weapons so they might protect themselves. You do not have the authority to make this decision, but telling him that you don't have the authority would undermine your patrol's position, so you talk around the issue until you can end the conversation.

Accommodating / Complying

Good-will oriented mode

“Giving in” to foster good will

Key Uses: Issues of low importance, create goodwill, show you are reasonable, develop performance, keep peace, retreat

Consequences of Overuse: Ideas getting little attention, restricted influence, loss of contribution, anarchy

Consequences of Underuse: Lack of rapport, low morale, inability to yield

Military Example

Your team has entered a neighborhood for the first time to investigate the security status. This area has had negative dealings with Americans in the past. Your orders are to demonstrate to the locals that they can trust you, as this may prove to be a key area. You begin asking questions, but your counterpart seems to want several projects completed in this area. You offer medical assistance, school supplies, and to increase patrols.

Complete the Negotiation Style Assessment Inventory at

https://atn.army.mil/dsp_template.aspx?dpID=159

Choosing a Negotiation Style

Consider the key uses and the consequences of over and underuse of each of the styles with respect to the needs of the situation. Be aware that although we may choose a style at a particular moment, we are not locked into this style. As situations shift, so must our tactics. This is especially important in the military context, where potentially dangerous situations may arise at any moment, requiring the use of a competitive style. These styles are not correct or incorrect, but rather a series of tools to help you achieve your military objectives.

Key Questions For Review

- **What is the goal of this negotiation?**
- **How quickly do I need a decision or outcome?**
- **How important is it to maintain a positive relationship with my counterpart? (weighed against the severity of the issue—security/safety concerns)**
- **What style do I think my counterpart will use? What's an appropriate style to help “counter” their style?**

Adaptability is key!

Countering Negotiation Styles

The following are practical suggestions for countering negotiation styles that your counterpart may employ.

Style	Countermeasures
Competing/ Insisting	<ul style="list-style-type: none">• Use counterpart's current position to discuss common interests• Temporarily accommodate on minor positions or interests• If it persists, consider closing meeting
Collaborating/ Cooperating	<ul style="list-style-type: none">• Positively reinforce style verbally and non-verbally• Opportunity to bring up other issues or schedule another meeting
Compromising/ Settling	<ul style="list-style-type: none">• Reframe your initial proposal to reach desired agreement• If their BATNA is weak, compete
Avoiding/ Evading	<ul style="list-style-type: none">• Accommodate on minor issues to bring party back to agenda• Consider why counterpart is evading. Time? Better BATNA?
Accommodating/ Complying	<ul style="list-style-type: none">• Employ the competitive style to reach your aspiration point, if relationship is not important. Consider why counterpart is complying. Rebuild trust? Has nothing to offer? No information?

Negotiation Framework



When a Soldier chooses to negotiate, they are choosing to prepare, implement, and evaluate, which is a lot to think about. Awareness of the different approaches to negotiation is essential in meeting preparation. Having a predetermined framework is also helpful. While the general concept of negotiation is easy enough to understand, in practice it can be a little more difficult. This section offers a basic framework for the meeting implementation. Using a framework allows the Soldier to focus on the engagement rather than worrying about the structure or how things should flow.

Introduction

Use appropriate greeting within cultural context

- Some examples of this include: greeting with an extended handshake; hand over heart; saluting; etc.
- If safety permits, remove helmet, weapons in non-offensive position.
- Introduce individuals on the team, as appropriate; state appreciation for the meeting.
- If using an interpreter,
 - look at your counterpart and speak to them
 - speak slowly enough so interpreter can keep up
 - speak clearly to ensure understanding

Apply cultural considerations and facilitate rapport

- Some examples include: accepting food and drink if offered; pouring part of your drink on the ground to acknowledge counterpart's ancestors; etc.
- Initiate small talk: for relationship-oriented contexts this could take longer; for task-oriented societies this could just be the introductions; know the context.
- Topics for small talk depend on the target culture. (Research appropriateness of subjects)

Transition from social to business using a mutual interest (concern about safety, community well-being, commerce, education, etc.)

When counterpart's stakeholders are worried about surviving, these basic issues, needs or concerns probably need to be addressed before the counterpart is willing to discuss anything else. This may require the lead to readjust objectives and priorities.

Discussion

Allow each side to state its case without interruption and prejudgments

- If you are hosting, allow your counterpart to begin.
- Ensure your note taker is ready and can observe the other side; record issues from both parties.
- Listen for counterpart's stated positions and interests.
- Attempt to ascertain counterpart's BATNA.
- Listen for emotions; note counterpart's style.
- Assess current relationship.
- Use verbal and non-verbal cues to show understanding; ask questions for clarification; paraphrase to ensure understanding.
- Maintain appropriate standards; present your position and interests.
- Begin negotiating from your pre-determined approach.

Be mindful of how the current cultural context influences the negotiation

Proposals

Allow your counterpart to make offer or proposal first; if they do not, present yours (unless you are withholding for strategic reasons)

Listen to offers; are they at least as good as your BATNA and within the ZOPA?

Take breaks as needed to regroup or strategize

Agreements

Consider offers; determine place within ZOPA

- If the offer is close to what you want, are there any concessions that might move you closer to your aspiration point?
- If you turn down the offer, how will it influence the relationship? Does the relationship matter?
- Is the offer fair? Is your offer fair?
- Have you brainstormed and considered different options that might satisfy both parties' needs?
- If you cannot reach agreement, have you attempted to refocus on common interests?
- Do parties need to meet again?
- If you have reached a satisfactory agreement, note and receive commitment on who will do what and when.

Closing

Review all agreements

- Receive confirmations; review next meeting times and place if applicable.
- State appreciation for the meeting.
- Close meeting within the cultural context.

After meeting

- Complete hotwash; review strengths and areas of improvement; review agreements and commitments.
- Follow-through; ensure their follow-through.

Explore different models and theories to use within a framework, such as Bahaudin G. Mujtaba's in *Cross-Cultural Management and Negotiation Practices* or *The 7 Element Theory of Negotiation* developed by Roger Fisher and the Harvard Negotiation Project.

Setting the stage

Although something like choice of location seems simple, it too can greatly impact a negotiation. Is it important to maintain a positive relationship with your counterpart? Or, is your goal to intimidate your counterpart? Understanding cultural influences like history will help you choose a setting that supports your negotiation agenda. It is important to note, however, that not everything is “culture.” Some things are simply human behaviors not specific to one culture or another.

Positive Relationship

- Create a comfortable atmosphere
- Positive historical significance of location
- Uphold cultural customs
- Where does the “most powerful” person sit?
- Refreshments to demonstrate hospitality?
- Is seating designed to foster cooperation and a feeling of equality?

Intimidation

- Demonstrate you have the upper hand
- Location may have negative implication for counterpart
- Seating arrangement suggests you are in power (raised seating; seat at head of table)
- Ignore cultural customs
- Do not serve refreshments
- Undermine or ignore status of counterpart

Evaluate

The evaluation process is not limited to one phase of the negotiation process. Rather, the astute negotiator will continuously evaluate throughout the phases of their negotiation.

It is important to ask, “How did this go?” “What did I/we miss?” “What were the challenges?” “What went well?” “Was the information I/we had relevant?”

Although evaluating becomes automatic as one gains experience, it is helpful to document processes for future reference and information sharing with peers and colleagues. In general, these are the areas to consider after the negotiation concludes.

- **Introduction:** Culturally appropriate? Made an effort to build rapport? Effective transitions?
- **IBN Principles:** Understanding of both BATNAs? Focus on interests and positions? How were emotions addressed? Communication? Options? Solutions? Criteria?
- **Process:** Styles and approaches? Emotions? Active listening? Adjustments? Nonverbals? Valid and/or new information? Unknowns? Rapport status? Interpreter? Agreements? Threats used? Collaborative? Future meetings?
- **Closing:** Review of meeting? Responsibilities? Dates for future meetings? Rapport status? Expressed gratitude for the meeting? Follow-through on agreement? After Action Review (AAR)?

For more considerations, review the observation checklist at
https://atn.army.mil/dsp_template.aspx?dpID=159

Evaluate

Evaluation is an ongoing process. Review the prep and meeting notes, talk to colleagues about the engagement, reflect on all of the interactions (verbal/nonverbal), look at the whole process, and complete an AAR.

Consider the following:

1. What was the BATNA for the US? Theirs?
2. Does the agreement meet the needs of your leadership?
3. What is the status of the relationship?
4. Was there a project time-frame established?
5. What about joint security?
6. What were the strengths? Challenges?
7. Follow-through and keep commitments.
8. What did you learn?



There are many considerations in the negotiating process. The guide has offered information on approaches, styles, techniques, strategies, and process. There are other models and theories available; continue to explore all available options. Gain knowledge and expertise from the experience in your units. The appendix provides further guidance and resources for your consideration.



Appendix A: Negotiation Checklist

- | |
|--|
| <ul style="list-style-type: none"><input type="checkbox"/> Have a plan; what are your positions and interests?<input type="checkbox"/> Research the general situation<ul style="list-style-type: none"><input type="checkbox"/> Research specific instructions |
| <ul style="list-style-type: none"><input type="checkbox"/> How will this meeting support achieving the goal? |
| <ul style="list-style-type: none"><input type="checkbox"/> If you cannot achieve the main goal, are there intermediate objectives or “partial successes” which will contribute to the goal? |
| <ul style="list-style-type: none"><input type="checkbox"/> Are there second and third order effects of success and/or failure for which we need to plan? |
| <ul style="list-style-type: none"><input type="checkbox"/> Materials<ul style="list-style-type: none"><input type="checkbox"/> Maps<input type="checkbox"/> Easel, paper, pens, pencils, telecommunications equipment<input type="checkbox"/> Refreshments<input type="checkbox"/> Seating<input type="checkbox"/> Other |
| <ul style="list-style-type: none"><input type="checkbox"/> Select location<ul style="list-style-type: none"><input type="checkbox"/> Consider security issues<input type="checkbox"/> Amenities (restroom, refreshments, parking)<input type="checkbox"/> Other |

Negotiation Checklist

Who is the counterpart?

What is their background - Target Audience Analysis (TAA)?

Ethnicity

Religion

Tribe

Education

Travel

Marital Status

Children (ages, careers, interests)

Political Affiliation

Known contacts (friendly, hostile)

Previous relationships with U.S.

Other considerations

Are there similar shared experiences between the parties?

What are the partner's attitudes toward the issue under discussion?

How might the counterpart view the US attitude about the topic under discussion?

What are the previous attitudes about the topic under discussion?

What issues concerning the goal are pressing on the counterpart?

If the goal is achieved, will this aggravate or ease these issues?

To what groups might the counterpart owe allegiance?

Does the counterpart have room to maneuver?

Negotiation Checklist

- What are the decision-making procedures in the counterpart's group?
 - Does the counterpart have authority to make decisions?
 - Is it okay to accept proposals for "study" and deliver a formal response at the next meeting?
 - Is there a "power broker" or "wild card" within the counterpart's organization that may not be at the meeting or whose approval the counterpart needs to be able to carry through on actions?
- How much does the counterpart know about the issue?
 - What is the source of their information?
 - Are their sources credible and/or reliable?
- What are the cultural dimensions and expectations in the agreement?
 - Is the agreement binding? Amendable? Or a starting point for further meetings?
 - What compliance mechanisms exist?
 - Legal, tribal councils, etc.
 - What are the cultural ramifications of failing to produce what is promised (by either side)?
 - What are the tactical or operational repercussions to both parties?
- Assign lead negotiator
 - Determine backup

Negotiation Checklist

- | |
|--|
| <input type="checkbox"/> How will the lead negotiator present goals? |
| <input type="checkbox"/> What is their background - TAA? |
| <input type="checkbox"/> What counter-arguments are likely? |
| <input type="checkbox"/> How will the leader address counterparts (mindful of cultural considerations)? |
| <input type="checkbox"/> What elements of the goal can be given up to gain higher order concessions? <ul style="list-style-type: none"><input type="checkbox"/> What is your reservation point or bottom line?<input type="checkbox"/> What is your aspiration point (best possible outcome)?<input type="checkbox"/> Know your Zone of Possible Agreement (ZOPA); this is the range between the reservation point and the aspiration point.<input type="checkbox"/> Know your Best Alternative to a Negotiated Agreement (BATNA) and theirs. |
| <input type="checkbox"/> What are your walk away points? |
| <input type="checkbox"/> Coordinate plans and strategy |
| <input type="checkbox"/> Coordinate staff inputs: <ul style="list-style-type: none"><input type="checkbox"/> S2-TAA, pre-brief, de-brief<input type="checkbox"/> S3-Security<input type="checkbox"/> S4-Meeting site arrangements<input type="checkbox"/> Collect higher HQ policy guidance |

Negotiation Checklist

- Prepare Leader (and backup) for meeting
 - Pre-brief and rehearse interpreters
 - Look and speak to counterpart, not interpreter
 - Do not use slang, acronyms, military jargon or make jokes
- With leader, develop plans for presenting issues and proposals
- Assign note taker and observer
- Note taker sits where they can be seen by Leaders
 - Keep Leader on track via signal system
 - Listen to counterpart and note body language
- Schedule breaks to allow parties (including interpreters) to rest or regroup
- Exchange observations and impressions with Leader during breaks
- Review agreements
- Review scheduled meeting times; note relationship and attitudes
- Close appropriately
- Debrief (strengths, weaknesses)
- Send thank-you to counterpart
- Follow-through on agreements, prep for next meeting

Download a copy of this checklist at
https://atn.army.mil/dsp_template.aspx?dpID=159

Appendix B: Troubleshooting

Because negotiation is dynamic and human-centered, many unexpected moves and interactions may arise. The following are some practical suggestions that you may want to try for countering or mitigating unexpected situations.

Issue	Countermove
Counterpart displays anger	<ul style="list-style-type: none">• Validate anger, “You sound angry...”• Lower tone; relax posture.• If discussion does not help, suggest a break.
Counterpart engages in a “power play”	<ul style="list-style-type: none">• Acknowledge counterpart’s strengths, “It seems that you have...”• Maintain a competitive tone and posture if you want to reinforce the strength of your position.• Subdue tone and posture if you want to reengage counterpart in cooperative discussion.
Counterpart displays disrespect	<ul style="list-style-type: none">• Clarify, “Perhaps I have misunderstood the reason for our meeting. It was my sense we are here to discuss... Is this accurate?”• Maintain open-mind; listen; direct discussion to mutual concerns.• Reassure or reassert your expertise and authority.
Counterpart displays impatience	<ul style="list-style-type: none">• Are you stalling? Are you babbling?• Do not reward negative behavior with verbal or non-verbal cues.

Issue	Countermove
Counterpart displays a lack of trust for you	<ul style="list-style-type: none"> • Reaffirm commitment, “It is our hope to move towards an agreement that will satisfy both our interests.” • Lean forward; maintain open posture; speak thoughtfully. • If breach of trust occurred previously, begin to rebuild.
Negotiations are at an impasse	<ul style="list-style-type: none"> • Take a break. • Refocus on points of interests.
Negotiations are counter-productive	<ul style="list-style-type: none"> • Revisit the goal or agenda of the meeting, “I am wondering how we can help each other with...” • Slightly lean towards counterpart; maintain open posture; suggest or schedule a new meeting if needed.
Negotiations go “off course”	<ul style="list-style-type: none"> • Restate purpose and interests. • Review current successes or status.
Counterpart walks out of the session	<ul style="list-style-type: none"> • Apologize, if you are at fault; allow venting; do not get defensive. • Check your understanding and offer ways to prevent future conflict. • Acknowledge value in relationship. • Reschedule meeting if appropriate.

Issue	Countermove
Counterpart thinks you lack expertise	<ul style="list-style-type: none"> • Share information about your skills; provide specific examples. • Speak directly and confidently.
Counterpart thinks you lack authority	<ul style="list-style-type: none"> • Reaffirm your decision-making authority; display confidence. • Determine if continuing will be productive towards goals or relationship; if not, consider closing.
Counterpart demonstrates “extreme interests”	<ul style="list-style-type: none"> • Acknowledge interests, “These ... seem very important to you (your city, tribe, etc.).” Validate emotions. • Connect agenda interests to extreme interests to refocus.
Counterpart demonstrates “extreme positions”	<ul style="list-style-type: none"> • Acknowledge positions; are they making demands? • Connect extreme positions to agenda. • Discuss positions or demands; attempt to ascertain interests.
Counterpart introduces “new players” or you lack information on participants	<ul style="list-style-type: none"> • Acknowledge new players, “This must be an important issue, I see that you have included more expertise.” • Note behaviors of new players. • If information on new players is essential; employ the avoid style; try to schedule another meeting. • If operating from a position of strength, acknowledge and welcome.

Appendix C: Planning Sheet

Preparing for the Negotiation	US Army	Counterpart
Position <i>(Assumed best outcome/ solution.)</i>		
Interests <i>(Why do I want the outcome above? How important is the interest? Assign priority to each.)</i>		
Best Alternative to a Negotiated Agreement (BATNA) <i>(What do I have if I don't reach an agreement?)</i>		
Options for Mutual Gain <i>(Satisfying interests of both parties when possible.)</i>		
Objective Criteria <i>(Military Regulations, Historical Data, Local Norms, etc.)</i>		
Cultural Considerations <i>(High/Low Context, Language, Status, Gender, Emotions, etc.)</i>		

Appendix D: Negotiation Terms

Anchoring: attempt to establish a reference point (anchor) around which a negotiation will revolve; use this reference point to make negotiation adjustments

Aspiration Point: realistic view of setting the highest achievable standard in terms of goals or objectives in an negotiated agreement; should be rational and reasonable

BATNA: ‘Best Alternative to a Negotiated Agreement,’ the action or option that results when the agreement is unsatisfactory or when an agreement fails to materialize; ascertain prior to the negotiation

Coalition: temporary union between two or more parties to obtain common goal; used in multi-party negotiations

Common Ground: refers to the area of agreement or a basis for understanding

Concessions: ‘Trade-Offs’ where one or more parties engage in conceding, yielding, or compromising on issues either willingly or unwillingly

Counterpart: the representative(s) or lead negotiator of the other party(ies); also known as agent

Demand: statement of terms with no room for adjustment; “take it or leave it”

Deterministic: the doctrine or belief that everything, including every human act, is caused by something and that there is no real free will

Egalitarian: characterized by the belief in equality of all people

Negotiation Terms

Interests: considered to be the motivating factor(s) and underlying reason(s) behind the stated position; usually the “why;” could be about economics, security, power, authority, status, fears, needs, concerns, etc.

Negotiation Agenda: agreed upon list of goals to be achieved or items to be discussed in a particular order during a negotiation; can be used to control a meeting

Negotiation Strategy: pre-determined approach or prepared plan of action to achieve a specific goal or objective in a negotiation

Negotiation Styles: Competitive (or Insisting); Collaborative (or Cooperative); Avoiding (or Evading); Compromising (or Complying); and Accommodating (or Settling); most negotiators have one or two preferred styles; ideally principals choose the most appropriate style depending on the context and switch styles when necessary; the former of these styles is based on the Thomas-Kilmann Inventory and the latter is used by the USAF Negotiation Center of Excellence

Negotiation Tactics: methods employed by negotiators to gain an advantage over other parties; can be perceived as deceptive and manipulative

Offer: statement of terms that hopes to satisfy the positions and/or interests of the counterpart

Position: this is “what you want” or your best possible outcome; should be reasonable and attainable

Rapport: the building of trust, establishment of a friendly relationship, or mutual understanding

Negotiation Terms

Reciprocity: similar exchange of something in return for something between parties; tangible or intangible

Stakeholders: the wider audience that will be affected by the negotiated agreement

Walk Away: alternative that a negotiator will act on if they are not successful in a negotiation or their BATNA is better than the offer

ZOPA: 'Zone of Possible Agreement,' range or area in which an agreement could be satisfactory to both parties; essentially the range between each parties' reservation and aspiration points



Because we negotiate informally every day, you may already possess the basic knowledge and skills to negotiate. In order to improve, it is necessary to practice and continue learning.

Appendix E: Team Negotiation

You do not need to accomplish negotiations all on your own. You may be the lead negotiator, but more than likely you will have individuals supporting your preparation and hopefully a note taker, observer, or security person. In fact, a team approach can provide you with an advantage, if you use this method appropriately.

Using a team in a scheduled negotiation provides the same advantages and options as when you patrol with a team: you have mass, you have more choices, you have more than just your own point of view and you have all the other members of your team to help you observe the environment.

However, just like patrolling takes practice, and walk-throughs, and battle-drills; negotiating as a team requires the same preparation. For more team considerations, please refer to the appendix.



Team Composition

The most important thing to remember is that you must be staffed, organized and rehearsed for the mission. Be sure to establish ground rules, specific duties, and identify goals. Remember these three areas:

Team Leaders

- Your job is to lead the team.
- Can use “tag-team” approach with 2 teams.
- Both team leaders are fully able to serve.
- Only one can lead the negotiation at a time.
- Match the number of members of the other side.

Subject Matter Experts (SMEs)

- Bring as many SMEs as you can.
- Consider SMEs from legal, engineers, military police, or whatever else can contribute to getting clarity on the facts as well as second, third, and fourth-order effects of decisions.
- Use your interpreter as SME; when possible, one familiar with technical terms.

Recorders

- Note-taker for your side.
- Record information heard or observed during sidebars and breaks.
- Recording themes, words, impressions, characteristics, non-verbals, and anything else they or the team leader think may help.
- Ideally, the recorder is a skilled negotiator in their own right so they know what to record.

Team Considerations

- ❖ Introduce your team to the other side by name. You do not have to reveal the actual organization or true role of each member; provide a reason for them to be in the room.
- ❖ Be advised that the other side may try to split your team, to get someone else negotiating with them, will chat with the team members during a break.
- ❖ Build rapport during breaks while you remember this negotiation is a tactical enabling operation. Watch for informal coalitions.
- ❖ Know the negotiation norms for your area. In many cultures you will look insincere if you show-up with a small team; if you can determine how many people the other team is going to have, try to match them.
- ❖ Bring all your tactical patrolling strategies to the table with you, but adapt them for negotiations. It's terminal for a negotiation to go kinetic at the table.
- ❖ Each member is trained and active. Think of each mouth as a weapon and each word as ammunition. Your team needs to keep their weapons in check until the appropriate time.
- ❖ Consider establishing negotiation ground rules for your team (i.e. duties, signals for breaks, who speaks).

“Never forget the power of silence, that massively disconcerting pause which goes on and on and may at last induce an opponent to babble and backtrack nervously.”

- Lance Morrow

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Resources

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The TRADOC Culture Center

The TRADOC Culture Center (TCC) trains and educates Soldiers and DA civilians on relevant, mission-focused, cross-cultural knowledge, skills, abilities, and attributes to produce a cross-culturally competent Army. This includes pre-deployment training and education incorporated into the Professional Military Education System, as well as training for sister military services, and other DoD and governmental organizations. Negotiation is an integral part of the TCC core curriculum. The Core Curriculum is designed to provide a basis for developing military cross-cultural competence. It also assists students in identifying the Army's definition of culture and gaining cultural awareness to conduct their military duties. These courses bring specificity to the Area of Operations and further highlight the importance and use of culture in military operations, establishing the foundation for useful skill-sets such as influence, communication, rapport-building, and negotiation. If your unit is interested culture-general or region-specific culture training, please contact us.

CONTACT INFORMATION

Website: https://atn.army.mil/dsp_template.aspx?dpID=476

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