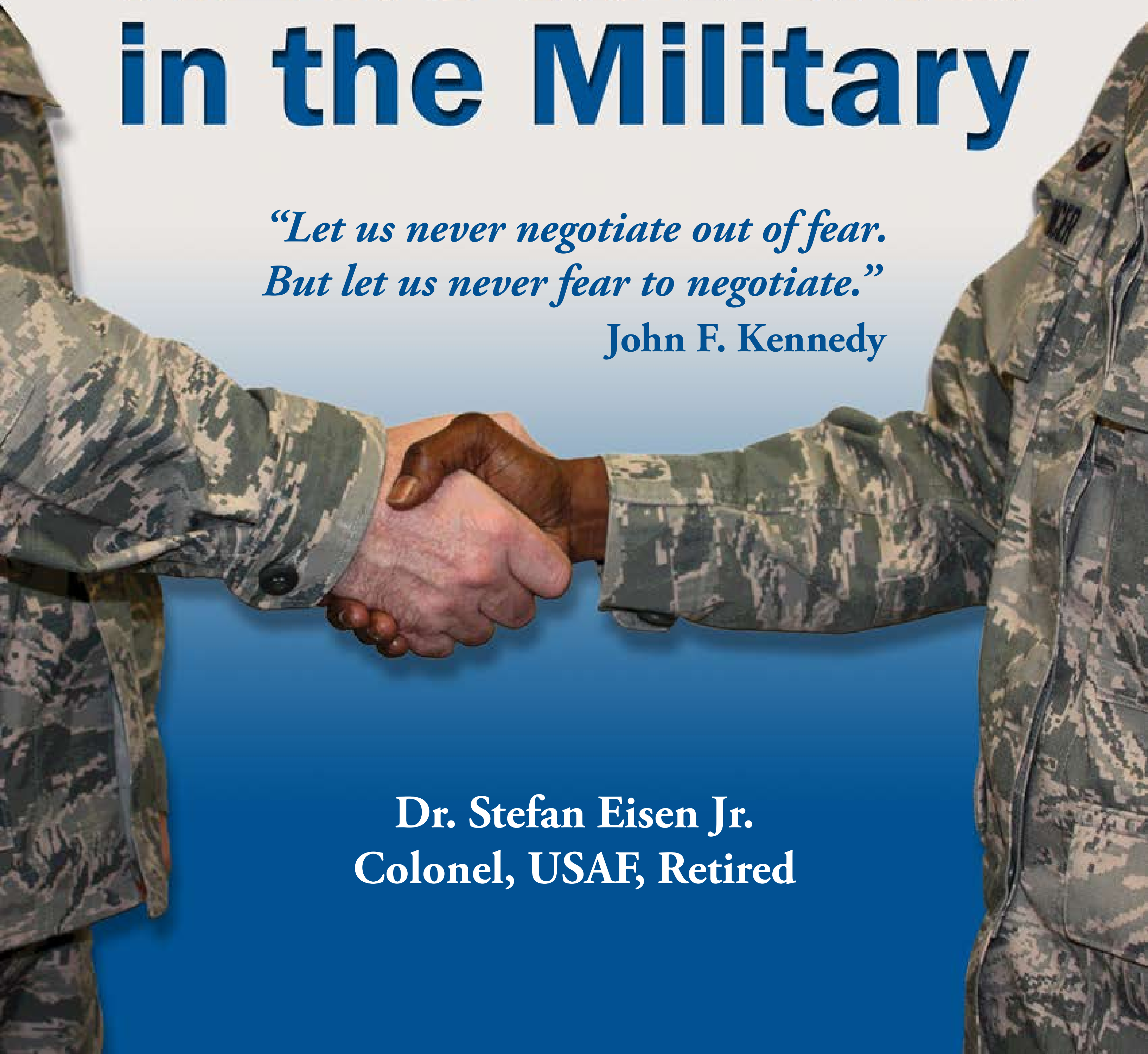
THIRD EDITION

Practical Guide to NEGOTIATING in the Military

"Let us never negotiate out of fear. But let us never fear to negotiate."
John F. Kennedy



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Air University

Practical Guide to Negotiating in the Military
Third Edition

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About the Author

Dr. Stefan "Stef" Eisen Jr. was the founding director of the Air Force Negotiation Center (AFNC), Maxwell Air Force Base (AFB), Alabama. After 12 years of Air Force civil service, Dr. Eisen retired in 2018 as a research professor at the AFNC. He is a former Air War College dean of academics and served 30 years as an active duty Air Force officer.

While on active duty, Colonel Eisen served as the commander of the following organizations: the 737th Training Group (USAF basic military training), Lackland AFB, Texas; the Air Force Reserve Officer Training Corps (AFROTC) Headquarters (HQ), Maxwell AFB; the 37th Flying Training Squadron, Columbus AFB, Mississippi; and the 3830th Student Squadron, Squadron Officer School, Maxwell AFB. He is also the founder and first commander of the Air and Space Basic Course at Maxwell AFB.

Throughout his military and civilian careers, Dr. Eisen has a proven record for innovation in USAF training and education programs. He was the first commander for the Air and Space Basic Course, creating a new level of Air Force professional military education. Dr. Eisen inaugurated a one-year AFROTC program to help the Air Force meet critical production needs. He was also an instructor pilot (IP) and flight examiner (FE) for the 80th Flying Training Wing, Sheppard AFB, Texas, and an initial cadre IP and FE for the Euro–North Atlantic Treaty Organization Joint Jet Pilot Training program. As a command IP/FE for HQ Air Training Command, Dr. Eisen was responsible for the quality of advanced flight instruction in the USAF's Undergraduate Flying Training program. He has 3,300 IP and FE hours in the T-37 and T-38 across six flying assignments teaching basic and advanced flight skills to aviators from over 23 countries.

Dr. Eisen earned a bachelor of science degree from the Air Force Academy, a master of science degree in systems management from St. Mary's University, a master of arts degree in strategic security studies from the Naval War College, and a doctorate in public administration from the University of Alabama. He graduated first from his Squadron Officer School and Naval War College classes. He is also a distinguished graduate from the Air Command and Staff College.

Dr. Eisen teaches, conducts research, and writes on a wide variety of topics regarding adaptive negotiations, including the Cooperative Negotiation Strategy (CNS); the Trust, Information, Power and Options (TIPO) model; intercultural negotiating styles; conflict management; and bias management and decision-making processes. His audiences include international and Department of Defense professionals, civilian business and civic leaders, and graduate and undergraduate students. Dr. Eisen earned teaching awards in 2009, 2010, and 2014. In 2011 and 2018, he earned the Air Force General Counsel's Alternative Dispute Resolution Award. Also in 2011, he was recognized as an Air Education and Training Command Inspector General "Professional Performer." In 2013, the AFNC earned the Air Force General Counsel's Alternative Dispute Resolution Award. In 2014, the AFNC also earned an Air Education and Training Command Productivity Excellence Award.

Dr. Eisen is the former chair of the University of Alabama's Board of Visitors for the College of Continuing Studies and former chair for the Alabama Developmental Disabilities Council. Dr. Eisen is active as a pitcher and mentor in Montgomery's Miracle League, a baseball program designed to give everyone—regardless of ability or special needs—the chance to "play ball."

Abbreviations

AD	active duty
AFH	Air Force handbook
AFI	Air Force instruction
AFNC	Air Force Negotiation Center
AFRES	Air Force Reserve
AFROTC	Air Force Reserve Officer Training Corps
AL	Active Listening
ANG	Air National Guard
BATNA	Best Alternative To a Negotiated Agreement
CC	commander
CNS	Cooperative Negotiation Strategy
COA	course of action
CT	Critical Thinking
DOD	Department of Defense
FAE	fundamental attribution error
FE	flight examiner
FOB	forward operating base
HHQ	higher headquarters
IP	instructor pilot
km	kilometers
MAJCOM	major command
MSRP	manufacturer's suggested retail price
NCE	Negotiation Center of Excellence
NSC	Negotiation Strategy Chart
OBE	overcome by events
OIP	other interested party
PCS	permanent change of station
SF	security forces
SOFA	status of forces agreement
Sys 1	System 1
Sys 2	System 2
TIPO	trust, information, power, and options
VUCA	volatile, uncertain, complex, and/or ambiguous
WATNA	Worst Alternative To a Negotiated Agreement
ZOPA	Zone of Possible Agreement

Chapter 1

The Need, Design, and Use of this Guidebook

The Need

Military leaders in the Department of Defense (DOD)—(officer, enlisted, and civilian)—cannot operate and succeed in isolation. Because of our professional duties and team-oriented nature, we constantly interact with others. These interactions require leaders to navigate situations ranging from collaborative ventures to contentious clashes. The purpose of this navigation is to do one of three things: (1) achieve a goal, (2) preclude conflict, or (3) address conflict.

Navigating any interaction between people usually involves some aspect of negotiation. This guidebook offers tools to facilitate effective negotiation to achieve a goal, such as getting two or more people (or groups of people) to decide on a course of action. Practically speaking, government personnel engage daily in negotiations with coworkers, supervisors, subordinates, contractors, business partners, coalition members, and nongovernmental organizations. At work, you could be negotiating a schedule between operations and maintenance or perhaps a memorandum of agreement between two agencies. At home, you could be deciding at a Saturday breakfast who will take the kids to soccer while the other parent gets the groceries so the entire family can meet for game night and pizza. Another situation might involve you and your friends planning a weekend trip, deciding transportation, destinations, and events as well as how to split the costs. The concepts, tools, and techniques in this guidebook will help you negotiate to resolve an issue of mutual concern, address conflict before it arises, or manage conflict if it does occur.

Air Force senior leaders routinely identify negotiation skills as a core leadership competency to help equip leaders with tools to successfully navigate within their environment. They realize that DOD professionals frequently accomplish the mission working with people and teams they have no direct authority over. Additionally, in today's volatile, uncertain, complex, and/or ambiguous (VUCA) environments, these individuals are working with less regulatory guidance and oversight—combined with inputs from an array of backgrounds—thus need negotiation skills to help reconcile these diverse perspectives into a cohesive, actionable outcome.[1] From an institutional perspective, Air Force Annex 1-1 *Force Development* lists negotiation as a necessary leadership competency.[2] Further, Air Force Policy Directive 36-26, *Total Force Development and Management*, under "Fostering Collaborative Relationships" identifies negotiation as a servicewide required skill.[3]

The Design

This guidebook lays the foundation of a negotiation skill set.[4] It provides frameworks for first assessing the environment and then applying one of the five negotiating strategies. Know that in negotiation there is no "one size fits all" strategy; each strategy has its strengths and weaknesses. With the provided tools, you can evaluate the situation and then deliberately select a strategy with a better understanding of why that choice is appropriate.

Why a guidebook designed just for the DOD community? There are several reasons. First is the nature of the military mission. From engagement with other leaders to kinetic conflict, few professions span such a broad spectrum of responsibilities and possible courses of action. The military's very nature is based on the perception as well as the reality that the use of force to gain the objective is always a potential option. Coalition leaders and other entities negotiating with US military leaders often operate from this assumption.[5] Every DOD leader must be cognizant of this mind-set. Second, the ability to coerce gives the military leader a powerful and simultaneously danger-laden option when it comes to a negotiating strategy. This guidebook addresses how a military leader might use this power appropriately in a negotiation. Finally, the military environment and the culture that supports it are task oriented. It must have that quality or else it will fail. The military exists to accomplish tasks and achieve goals. Due to this orientation, many military leaders approach negotiation as solely a task-management process; however, negotiation is also a trust-management process.

The Use

This guidebook walks you through the essentials for understanding and using the skill of negotiation. It first describes how people fundamentally make decisions and the barriers inherent in this process. Realize that while you cannot eliminate these barriers, you can deliberately manage them. Then, as in all skills development, there is a discrete language. This guidebook addresses frequently used concepts and terms. If you need more clarification, the glossary provides additional detail on the concepts and terms. Next is a discussion of assessing a negotiating environment. Every leader understands the importance of gathering background information before engaging in an operation, so the need for this step—even in a simple negotiation—should be familiar. The assessment covers the interaction of trust, information, power, and options (TIPO, pronounced "typo"). After the TIPO analysis comes strategy selection and planning using the Negotiation Strategy Chart. There are two keys to understanding this process. First, no strategy is perfect; each has their pros and cons. Second, the process should be iterative; changes in the TIPO conditions may suggest changes in the negotiating strategy. Finally, in the guidebook's appendices are strategies and specific steps to help you plan for and execute your negotiation. These guides are not checklists. They *cannot* guarantee results but they improve your chances of success by making the process more deliberate and ensuring you do not overlook fundamental items as you move through a negotiation. If you change strategies during the negotiation, you will need to adjust the process.

Each section of the guidebook has a brief introduction followed by specific strategies and steps, a glossary, worksheets, and references to supplemental material—such as case studies on the USAF Negotiation Center website.[6] Hopefully, it will prove to be a valuable tool in your future negotiations not only in a military environment but also throughout all aspects of your life.

Notes

(All notes appear in the shortened form. For full details, see the appropriate entry in the bibliography.)

1. Benner, "What VUCA Really Means for You," 543–44.
2. Annex 1-1, *Force Development*, 17.
3. Air Force Policy Directive (AFPD) 36-26, *Total Force Development and Management*, 12.
4. Air Force Manual (AFMAN) 36-2647, *Institutional Competency Development and Management*, 12; and AFPD 36–26, *Total Force Development*, 12.
5. Unattributed interviews with Air University International Fellows, October 2007, 2009–10, 2012–13, 2015, and 2017.
6. See https://www.airuniversity.af.mil/AFNC/.

Chapter 2

The Human Decision-Making Process

A negotiation is a decision-making process; therefore, it is useful to spend time outlining how the brain makes decisions. By knowing the way the brain handles routine and novel situations, you gain an understanding of its strengths and weaknesses as well as an appreciation for making these processes more deliberate.

The brain's primary purpose is to ensure survival. After ensuring survival, the brain can then be more creative/innovative.[1] Thousands of years of human existence have depended on the primacy of the survival function. Survival means solving problems quickly enough to face the next problem. Survival decisions are frequently automatic and not always optimal but usually minimally acceptable. If they were not minimally acceptable, you would not survive. Creativity occurs after you solve the survival issues. Effective creativity is a highly deliberate process and requires more effort.[2] So how does the brain conduct these two distinct functions? Your brain has specialized sections; the survival function leverages a process called System 1 (Sys1) thinking and resides in the limbic/amygdala systems.[3] Your creative brain is located in the prefrontal cortex and leverages a process called System 2 (Sys2) thinking.[4] An explanation of each system follows.

System 1 Thinking

Sys1 focuses on maintaining homeostasis, the steady state of a wide range of body functions. It is the reactive part of your brain; it supports the fight, freeze, or flight decisions.[5] With any disruption to the steady state, feedback mechanisms automatically kick in to return the body to steady state.[6] Experience and repetition increase the speed and efficiency of this reflexive process.[7] This system is essential; if the brain had to deliberate extensively on every decision, we would have failed to survive. Since no system is perfect, Sys1 has its strengths and weaknesses.

Sys1 has six strengths. First, it is automatic and always on. Second, it is quick and decisive; it relies on **convergent thinking** for rapid solutions. It literally samples the incoming data until it has just enough to make a decision. **Thin slicing** is another name for this phenomenon.[8] Third, it gets faster and more confident (not necessarily more accurate) with age and experience. Fourth, it learns quickly if the result of a decision is dramatically poor. Fifth, it is consistent when faced with routine situations. Finally, the adrenaline flow associated with stress augments Sys1's speed.[9]

What are examples of Sys1 functioning? In daily matters, you brush your teeth automatically. If you are traveling down a familiar stretch of freeway with light traffic, Sys1 allows you to drive with little attention and gives you a chance to daydream. Only when the 18-wheeler drifts into your lane as it passes do you snap back into "manual driving." Dramatically poor results also program Sys1. You only have to put your hand on a hot stove once, and the feedback will instantly reprogram your Sys1; you will never do that again. There is a corollary to the intense learning associated with poor decisions. If you do something incorrectly, but there is little negative consequence to doing it wrong, Sys1 does not assign it a high learning priority. This is why it takes so long to learn unimportant routines. Perhaps that is what makes golf so hard to learn to the casual duffer.

Sys1 also has its drawbacks. Since Sys1 depends on speed, it must quickly filter through lots of incoming information. To assist speedy filtering, Sys1 relies on built-in and constantly evolving **heuristics** and **biases**.[10] Heuristics are decision-making shortcuts to help Sys1 make fast, but not always more accurate, decisions. In addition, mental biases generally live in Sys1. Mental, or cognitive, biases are a series of filters your brain uses to assign value to incoming information. It takes in pieces, or thin slices, of the entire situation, assigns value and meaning, and then draws conclusions. The purpose of all these filters is to attach just enough meaning out of the deluge of incoming data to facilitate a Sys1 decision.

Biases facilitate rapid, evaluative judgments so your Sys1 can make what seem like instinctive decisions.[11] One of the most common biases is **confirmation bias**.[12] Confirmation bias essentially filters data using the following rule: if a bit of data agrees with your preconceived, and often subconscious, solution, it accepts the data into the process. If a bit of data disagrees with your preconceived solution, it rejects the data. Anything different from your norm will be automatically judged as "wrong" by confirmation bias. You do not judge it as "different," but "wrong."

Strength of confirmation bias: how it judges "different" as "wrong." America's love affair with sports is a prime example of confirmation bias's strength. Just listen to two sports fans analyze a game. The team A fan (wearing the team jersey bearing the name of his or her favorite player) will gleefully conclude how team A's superior play and coaching ensured victory over team B. He disregards the fact that team A just acquired three new star players in a late-season trade with team B; that is just coincidence. It is also just happenstance that two of team B's starters are out with hamstring injuries. Then listen to the team B fan (with similar, yet contrasting attire). This fan declares the loss of the star players had everything to do with the defeat, the coaching was horrible, and team A got all the breaks. Nowhere in this rant does the team B fan refer to the three obviously poor calls made by the umpire/referee. These poor calls were blatantly in team B's favor. The fan also ignores the poor scoring statistics and the numerous unsportsmanlike penalties levied on his/her favorite player for taunting team A players when they missed a scoring opportunity.

There are hundreds of biases, but the four main biases affecting a negotiator's decision-making process are confirmation bias, **fundamental attribution error (FAE)**, **sunk cost bias**, and **self-serving bias**.[13] A description of these biases is in the glossary. You need to understand these biases because they are always on. You cannot be unbiased, however, biases can be managed. More on that later. A final warning about Sys1 and bias. The older and more successful you are, the more your biases are ingrained and the stronger your thin-slicing and Sys1 processes.[14] Your balance to this efficient, yet intentionally suboptimal, part of your brain is your creative capability, which lives in the prefrontal cortex, your Sys2.[15]

Age bias is often overlooked, but strongly influences our perspectives. Young people habitually take risks in many activities (think extreme sports) because they see it as being adventuresome—life is a challenge to meet head on! Older people often look at the same activities and discount them as foolish because, in their minds, the risks outweigh the benefits. When it comes to negotiations, intergenerational perspectives are often very dramatic, as older negotiators are biased to the status quo (it brought me this far, it should be good enough for you) and the next generation is more open to risk-taking change (if it's not broken, break it!).[16]

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Biases can dramatically affect a negotiation. You can unconsciously interpret information about your side of the story in a strongly self-serving way. Self-serving and FAE biases can sway your interpretation of data. Getting too committed to your point of view is a common negotiating mistake—never fall in love with your position or idea. The concept of partisan perceptions is also crucial to understanding how to effectively negotiate. While we carefully assess and defend our critical information, we do not do the same for the Opposite's critical information. (Note: this guidebook refers to the other party, singular or plural, in a negotiation as the "Opposite.") We tend to overvalue our information and undervalue the Opposite's information. This often happens when there is a dispute over the value of an item—much like what generally happens at a pawn shop when sellers overvalue their items and the shop undervalues the same items.

System 2 Thinking

The sharpest contrast to differentiate Sys1 and Sys2 is this: Sys1 helps you survive while Sys2 helps you create. Sys1 works to survive by quickly relating, confirming (or quickly disaffirming if bias intercedes), and/or "automatically believing" incoming data.[18] In contrast, Sys2 works to create by "deliberately comparing" incoming data with existing models and is "intentionally disbelieving" of incoming information.[19] Sys2 is where the creative process leverages **divergent thinking**. Just like Sys1, Sys2 also has its strengths and weaknesses.

In addition to being creative and leveraging divergent thinking, Sys2 tends to be slow to judge. Thus, brainstorming tends to reside in Sys2. Additionally, bias does not thrive in Sys2, thus Sys2 evaluates more data based on merit rather than bias. This is due to the inherent power of **Critical Thinking** questions and **Active Listening** skills; both tend to heighten the effectiveness of the Sys2 process. These strengths are somewhat offset by Sys2's weaknesses.

Sys2 is not agile. Quick decisions do not come from Sys2. In addition, Sys2 is lazy and more than happy to allow Sys1 to dominate the decision-making process.[20] You must deliberately engage Sys2.

So, how does this discussion of decision-making processes influence negotiations? It depends on the type of negotiation. If you are in a quick, routine negotiating process, Sys1 might be adequate. For example, take the internal negotiation when you need to fuel your vehicle. Your Sys1 is conditioned over the years to usually do one of two things when it comes to routine refueling; you either prefer the cheaper fuel or prefer a specific fuel brand even if it costs more. When looking at two stations across the street from each other, your Sys1 takes one glance at the situation and makes an instant decision based on your internalized preferences. The Sys1 process can make "good enough" decisions over routine and recurring issues. However, leaders often operate in VUCA environments requiring creative approaches.

Relying on Sys1 to steer your negotiation in a complex setting could be disastrous. Any option going counter to your adrenaline-fueled, heuristics-driven, and bias-laden Sys1 would be automatically, and often subconsciously, judged as wrong and tossed out of the mix. Confirmation bias could blind you to information that did not agree with your Sys1 solution even if it was valid information. FAE would convince you that anything wrong with your arguments was beyond your control and anything the Opposite did to disappoint you is due to their deep personal flaws. Sunk cost bias would have you misuse future resources to try to help you recover from some past poor decisions. Finally, self-serving bias would have you pat yourself on the back for your wonderful decision-making skills while any failures were due to the "fact" that someone did not explain the problem to you in a satisfactory manner. In complex situations, a negotiating process leveraging a deliberate Sys2 process would provide benefits beyond what a near-autonomous Sys1 can offer.

A negotiation leveraging Sys2 can help:

1. more clearly define the problem,
2. move past the Opposite's position to reveal/prioritize the Opposite's interests,
3. build more durable options and useful outcomes,
4. create conditions for better heuristics management and bias control, and[21]
5. better determine whether you need to solve, cope, or treat the issue.[22]

The bottom line: to build truly creative and innovative outcomes in a complex and/or novel situation requires the negotiator to engage in a deliberate, not automatic, negotiation process; few leaders are intuitive negotiators. For most leaders, negotiating is a carefully nurtured skill. This guidebook will inform your process as you build the skill.

Notes

1. Kahneman, Thinking, Fast and Slow, 35; and Sinek, *Start with Why*, 56–59.
2. Kahneman, *Thinking, Fast and Slow*, 31 and 103.
3. Kahneman, *Thinking, Fast and Slow*, 301; and Dougherty, "Hypothalamus: Structural Organization."
4. Voss, "Daniel Kahneman: Psychology for Behavioral Finance."
5. Yu, "Stress potentiates decision biases," 84.
6. Rodolfo, "What is Homeostasis?"
7. Kahneman, *Thinking, Fast and Slow*, 11.
8. Gladwell, *Blink*, 23.
9. Kahneman, *Thinking, Fast and Slow*, 33–34.
10. Kahneman, *Thinking, Fast and Slow*, 109–18.
11. Bazerman, *Negotiating Rationally*, 42–48.
12. Air Force Handbook (AFH) 1, *The Airman Handbook*, 541; and Kahneman, *Thinking, Fast and Slow*, 81.
13. Kahneman, *Thinking, Fast and Slow*, 81.
14. Kahneman, *Thinking, Fast and Slow*, 81.
15. Kahneman, *Thinking, Fast and Slow*, 21–22.

16. Gianakos, “14FTW Safety Meeting.”
17. Gianakos, “14FTW Safety Meeting.”
18. Kahneman, *Thinking, Fast and Slow*, 81–82.
19. Kahneman, *Thinking, Fast and Slow*, 81–82.
20. Kahneman, *Thinking, Fast and Slow*, 39–49.
21. Banaji, *Blindspot: Hidden Biases of Good People*, 32–40.
22. Unattributed interview with Air University International Fellow, December 2015.

Chapter 3

Definitions and Choices in Conflict and Negotiation

With some insights on why this guidebook exists for military leaders and how some naturally occurring roadblocks hinder our decision-making processes, we need to define a negotiation. A negotiation is not what many envision, a "smoke-filled back room" where bare-knuckled deals are hammered out between rival parties. You need a much broader definition for negotiation. Fundamentally, negotiation is a communications process between two or more parties as they navigate the task or conflict. These negotiations may range from an open and cordial discussion with a free exchange of information as parties cooperatively seek to satisfy mutual **interests** to something closed and adversarial, where information is hoarded as parties fight to satisfy only their **positions** and, if needed, destroy the Opposite's ability to achieve their goal. Additional approaches include negotiations to allow the Opposite to have their way, settle in the middle somewhere, or even seek to delay or avoid an engagement.

Conflict

Although people often associate conflict with bad situations, conflict is not inherently bad; it is just part of life. A synonym for "conflict" is "encounter" or "engagement." Since no two people see, value, or do things identically, there is a potential for conflict whenever two people interact. In diverse organizations, people naturally bring multiple perspectives regardless of the issue. This creates conflict even during the most constructive problem-solving efforts. You can categorize conflict in several ways (see fig. 1).[1] Do not automatically judge conflict as inherently bad. Within each conflict lies the opportunity to find solutions that could meet the wants and/or needs of the involved parties.[2] In many situations, leaders use conflict as a motivator, helping teams build new solutions to stubborn problems. In popular terms, "Necessity . . . is the mother of . . . invention."[3]

Military Negotiations Defined

Based on the above description of conflict as a potential avenue for addressing problems, a military negotiation is defined as a deliberate discovery process between two or more people (or groups) that leverages communications and Critical Thinking skills. A negotiation may be used to achieve the following: (1) arrive at a mutually agreeable plan to respond to a request or tasking, (2) preclude the emergence of conflict through discovery and pursuit of common goals and interests, or (3) if conflict emerges or exists, work to manage or resolve the conflict. Ideally, this trust-based process relies heavily on a cooperative discovery effort as parties share and prioritize interests and then develop mutually beneficial options rather than making demands on the Opposite to achieve only their position.

Figure 1. Reasons for conflict. (Graphic courtesy of the Air Force Negotiation Center [AFNC].)

There are three considerations to add to this definition. First, at the beginning of a negotiation in the military context, some parties do not realize the need to engage in a negotiation due to many factors, such as the Opposite: (1) being unaware of the problem, (2) knowing there is a problem, but not understanding it, (3) knowing there is a problem, but not motivated to engage, and/or (4) being untrustworthy, malicious, or deceitful. Thus, part of the negotiation process may involve you motivating the Opposite to actually participate.

Second, a negotiation is often voluntary, and negotiators need to realize the other party may have the option to engage in a negotiation but reject the negotiation's outcome. However, be aware that the ability to say "no" is somewhat limited in the military context, as often negotiators must reach an acceptable conclusion (mission failure is rarely an acceptable outcome).

Finally, negotiations have significant value as this particular tool allows the participants to have considerable control over both the process and the outcome. As parties consider other tools on the spectrum of dispute resolution (see fig. 2), the amount of control the participants retain may be dramatically reduced to the point where a judge may rule on the situation, thus removing all decision-making capability from the participants.[4]

Figure 2. Dispute resolution arc. (Graphic courtesy of the AFNC.)

The Connection between the Task and the Relationship

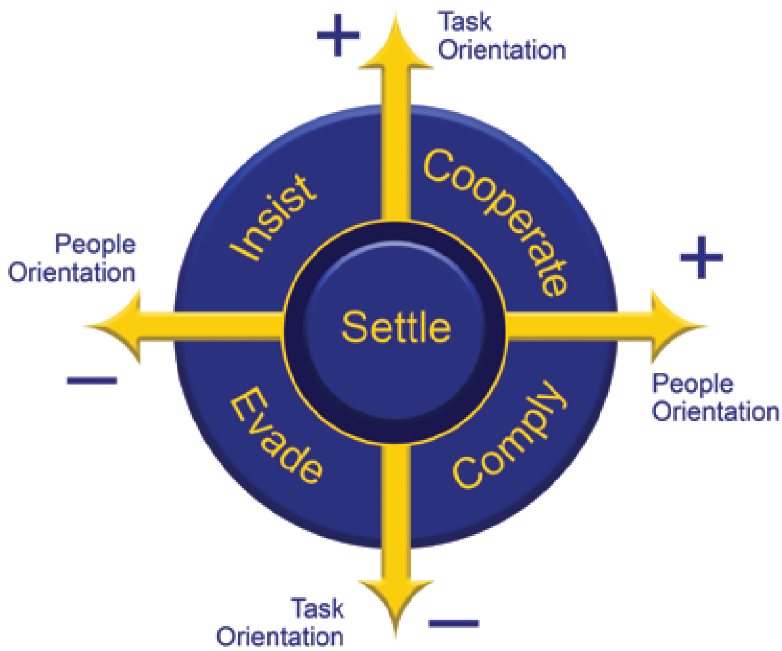

Figure 3. Negotiation Strategy Chart. (Graphic courtesy of the AFNC.)

We negotiate to get something done (Task). Usually, to get something done, we engage with other people (Relationship). These two factors create the structure for differentiating among the five negotiation strategies listed in the negotiation strategy chart (NSC) (see fig. 3). The two variables' relative importance to each other helps us visualize and understand the essential differences between the strategies. Descriptions of these variables follow.

Task Orientation (Vertical Axis)

In the NSC, task orientation refers to the importance of addressing the conflict to meet your priorities. A high task orientation means you are very motivated to deal with the conflict in a way that satisfies your position (wants) and/or interests (needs). Conversely, a zero or negative task orientation means you

1. do not seek to address the situation (perhaps you are satisfied with the status quo),
2. have no preferences among any of the possible solutions (anything would work for you),
3. do not value any of the available options, or
4. may not understand the conflict (have poor task/mission clarity) and so are not interested or confident in your ability to address it.[5]

The military profession trains leaders to accomplish tasks and achieve goals. Most in operational environments emphasize and value task orientation, and there's little reason to expect that to change. However, future missions may present additional considerations. Complex environments may present conditions where only focusing on "getting today's mission done" could result in a harmful long-term outcome. Your mission directive may allow you enough flexibility to de-emphasize the immediate task to gain a larger, long-term goal. Not forcefully imposing a solution today may allow you and the Opposite an opportunity to discover other beneficial outcomes in the future.

Relationship Orientation (Horizontal Axis)

In the NSC, the strength of this orientation indicates how important is it for you to develop and/or maintain a productive, trusting relationship with the Opposite. Do not confuse trust with friendship. Although it may be nice, you do not have to like someone to work successfully with them.[6] A positive value means you intend to consider the Opposite's position (wants) and/or interests (needs) concerning the topic at hand as well as intend to provide the Opposite truthful information and expect to receive truthful information in return. At the other end of this spectrum, if you disregard or even want to harm the relationship, the relationship orientation takes on a negative value. This means you want to disregard the Opposite's positions and/or interests. Nor do you trust the Opposite's information. Additionally, although you should not lie to the Opposite when providing information (adherence to standards of conduct, honor, and ethics should always prevail), you probably will not provide full disclosure, even to the point of being vague or, in the extreme, misleading.[7] In these situations a fine ethical line exists, and due diligence is needed when negotiating in a situation where trust is likely low.

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 use, how often you will negotiate with the Opposite is a consideration. For example, sometimes you may negotiate a one-time deal with little or no chance of ever reengaging with the Opposite. This might guide you to minimize or even disregard the relationship as you pursue your goals. However, if interaction is expected to reoccur, perhaps in the agreement's execution, or if multiple negotiations may occur over a period of time, relationship building becomes much more important and may steer the strategy selection. Likewise, if maintaining your positive reputation is important, the relationship variable may take on a high value even if you do not expect multiple encounters with your Opposite. You might not ever deal with that Opposite again, but you may be dealing with a wider community, which includes the Opposite's friends, associates, or in an intercultural environment, family/tribe members. An illustration is accountants who base their practice on quality service over the life of the client/accountant relationship. They will accept some lower, short-term profits to gain long-term positive customer relationships within the community. In the DOD, "office reputations" ranging from "good people" to "what a piece of work—beware of their dark side" can influence how you deal with that person in a negotiation.[8]

Another factor to consider when assessing the importance of a relationship 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) and/or you need the Opposite's participation to develop options, you need to maintain or build a positive relationship. This will guide your strategy selection. Conversely, if you do not value the Opposite's power (or you have sufficient power to act unilaterally) or you do not 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 relationship orientation may be low or negative and, as such, may guide your negotiation strategy selection.

Unique to the military context is leaders' capability to significantly harm the relationship if they want to, need to, or are told to do so. This is why the NSC goes beyond other models and gives you the ability to assess and assign negative values to the two variables. With a negative relationship orientation, you have the option to harm the relationship as part of the negotiation. In some situations, superiors may direct you to hurt the relationship as a method of making a point with the Opposite.

With the fundamental schematic between Task and Relationship outlined, understanding the essential concepts helps form the beginning of a coherent negotiation process.

Notes

1. "Types of Conflict," Mediate.com.
2. Davis, "Interview with Mary Parker Follett," 14.
3. " Yet the true creator is necessity, who is the mother of our invention." Plato, *Republic*, 52.
4. Air Force General Counsel, *How to Manage and Mediate Workplace Disputes*, 2.
5. Brett, *Negotiating Globally*, 208.
6. Goldman, *Psychology of Negotiations*, 255.
7. Lewicki, *Essentials of Negotiation*, 169–80.
8. Social media has significantly accelerated the labeling of coworkers as good or bad.

Chapter 4

Essential Negotiating Concepts

Every skill set comes with its own language. You already use several distinct "languages." If you maintain ground equipment, manage a satellite, or fly an aircraft or remotely piloted vehicle, you have a language only you and your teammates routinely use. It adds coherence to your operation because when you use specialized language, it conveys a precise meaning only other teammates comprehend. Similarly, negotiation has its own language to add coherence and precision. The Guidebook outlines the language of negotiations in the following section. Understanding this language helps you gain a better understanding of the trust, information, power, and options (TIPO) model and negotiation strategies presented later in this guidebook. The ten concepts either build, complement, or contrast with one another.[1]

Position

A **position** describes "*what you want*," what you envision as your preferred outcome. However, to be useful in a negotiation, you should rationally bound your desired outcome. Getting a new car for free may be a fantastic position but it is not rationally bounded. To be viable, a position should meet some standard for reasonableness and in particular, the Opposite must see it as reasonable. If not, the negotiation may never get off the ground, reach an impasse, or never gain an agreement. In the military context, positions are usually actionable items. It is also possible, although rare, for you to create a position that does nothing, because "nothing" is what you want.

For an example on position, place yourself in a squadron. The platforms assigned to the squadron just got an upgrade. This upgrade created a need for systems operators to become proficient on the new equipment. Thinking about this, you create a position that solves your problem—get a specific number of additional flying hours for the platform. It is rationally bound, actionable, and, according to your logic, answers the presented problem of getting proficient on the upgraded platform.

Interests

An **interest** is one or more underlying reasons for *why* you have a certain position. To help develop interests, negotiators examine their position through a series of interrogative questions. Interrogative or Critical Thinking questions are the *who*, *what*, *when*, *where*, *how much,* and especially *why* questions. Answers to these questions help reveal the underlying reasons for the position. If you cannot successfully answer these interrogative questions, then you may not have a valid position.

To illustrate interests, let us further explore the above crew-training scenario. Your position is that the upgrade requires you to request more flying hours. As you plan to negotiate with the higher headquarters' staff on these requested hours, you should self-interrogate; ask why you believe *more flying hours* is a valid position. Remember, a position is an envisioned answer (actionable item) to a want. The answer(s) to the why question(s) may reveal the reasons (rationale and needs) behind the position; crew familiarization, crew practice and proficiency on the new equipment, flying safety, equipment reliability and ease of maintenance testing, or a myriad of other needs. For example, perhaps one of the responses to the *why* question was for more mission training on the new equipment. The position (*what* you want) may still be more flying hours, but this interest (the need for more mission training on the upgraded equipment) is *why* you want the hours. Understanding the interests may open up a discussion for alternative ways to achieve the goal (i.e., other ways to get the job done rather than solely relying on the "more flying hours" position as the only solution). Perhaps more simulator time, a virtual reality trainer, a modeling exercise, or a combination of these ideas might serve your and your Opposite's interests better than relying solely on the proposed increase in flying hours. As you explore the concept of interests, understand there are three major types of interests; procedural, psychological, and substantive.[2]

Procedural Interests

Procedural interests focus on the mechanics of a process. Negotiators with procedural interests are highly concerned with the structure and correctness of a process used to arrive at an outcome. They are not as concerned with the outcome's actual details. For example, if an employee files a formal complaint due to nonselection for training, a perceptive 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 (nonselection for training) did not change.

Psychological Interests

Psychological interests focus on how people feel, are perceived or valued by others, and/or how they relate to 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 substantive need (see below) like pay or benefits. At times, a negotiator might seek an apology from the Opposite due to some transgression by the Opposite. The path to a good outcome in many workplace disputes often begins with one party offering a sincere apology without needing to admit wrongdoing. Examples include, "I apologize for not understanding the importance of this issue sooner" or "I apologize, we didn't get to this issue promptly." Fulfilling a psychological interest can lower barriers and help the process along.

Substantive Interests

Substantive interests have to do with things, schedules, prices, salaries, and the like. This is the bulk of many negotiations; however, negotiators should always work to identify and categorize the interests and then work at developing solutions addressing that type of interest. Offering someone a high salary (substantive interest) might not work if the top interest of the prospective hire is a specific duty title, which is a psychological interest.[3]

Also, keep in mind these categories overlap to some extent. A person rejecting a salary offer because they do not think it was "fair" is a combination of a substantive interest (the money) and a psychological interest (the low salary offer was insulting). A technique to help better understand these categories is to consider substantive interests to be primarily rational items and psychological or procedural interests to be items that are more emotional. You should design solutions to support the rational and/or emotional components of the issue as needed. For example, if an Opposite has a psychological interest, such as an apology, no amount of money (a rational solution) will likely resolve the emotional need.

Distributive and Integrative Negotiations

Virtually all negotiation strategies fall into two basic categories, distributive and integrative.[4] The distributive category assumes resources are limited. The task of any distributive negotiation is to divide this fixed set of resources. The **distributive negotiation** category is also known as positional or "value claiming" because the goal is to get a portion of (or in certain circumstances, as much of) whatever is available. In a distributive, positional, or value-claiming negotiation, the negotiators usually meet to exchange either **demands** or offers/counteroffers.

Moreover, a distributive negotiation, also known as haggling and/or bargaining, is essentially a zero-sum process.[5] You cannot create new value in these negotiations. Since distributive negotiators often try to claim the same value, an adversarial relationship becomes the norm. For you to gain something, the Opposite must lose something, and vice versa. Competition rather than cooperation guides these negotiations, as does Sys1 convergent thinking rather than Sys2 creative/divergent thinking. Parties to this negotiation often perceive the Opposite as an enemy, a barrier to their success, and work to defeat them.

In this adversarial situation, parties tend to protect themselves from their Opposite by using power. Since information is a source of power, you would protect it in an adversarial situation. In the extreme, you would hoard the information. You may also protect information by not disclosing it or deceiving the Opposite when providing information. The consequence of this poor information flow is usually a decrease in trust. Since trust is the basis for most successful interactions in military negotiations, the potential for distrust is one of the most serious drawbacks of distributive bargaining. You may execute this zero-sum approach through one of three negotiating strategies presented in this guidebook, Insist, Settle, or Comply.

Conversely, **integrative negotiation** does not see resources as fixed but acknowledges that, in the end, they must be distributed. There is "value claiming" at some point in any negotiation; thus, an integrative negotiation is not inherently zero-sum. Although conflict is what created the condition for this negotiation, an *adversarial* conflict is not inevitable; there is the possibility for mutually beneficial "value creating" cooperation between the parties. Negotiators see the other negotiator as a potential partner in the problem-solving process rather than a competitor or enemy. Cooperation between the parties can create new value by combining the resources in new ways or using the resources in different ways. This value-creating process fosters the following: (1) Sys2 divergent thinking, (2) trust-building measures, (3) Critical Thinking questions, and (4) Active Listening. Combined, these elements develop a cooperative problem-solving environment.

In this environment, you would share information as well as power and anticipate the Opposite to do likewise. You may execute this collaborative approach through a "Cooperative" (or win-win) Negotiation Strategy. The Cooperative negotiator is concerned with maximizing absolute *gains* for all parties rather than maximizing their *relative gains* over the Opposite. In this strategy, the negotiator's goal is to arrive at an agreement satisfying the most important interests (needs, not wants) of each party. As a general rule, except in cases of unambiguous emergency, you will achieve better solutions by first attempting an integrative approach.

Agreements reached by integrative means will be more sustainable and will tend to strengthen relationships, whereas distributive negotiation tends to develop suboptimal solutions and hurt relationships.[6] Lack of intercultural competence can significantly complicate the negotiation process. Combining intercultural competence with integrative negotiation skills can lead to better relationships, better agreements, and therefore can serve both tactical (mission) and strategic (overarching) goals.

Aspiration Point

An **aspiration point** is the best a negotiator hopes to get out of an agreement; what they aspire or desire to achieve.[7] An aspiration point may be the same as a position. For example, you want to buy a car. You would prefer to pay only $22,000 for it and would be very satisfied with the deal at that price. You might also make this aspiration point your position and initially make an offer of $22,000. As we will discover later, there are negotiation conditions that may make this an effective approach. As with a position, setting a rationally bounded aspiration point helps create a constructive negotiating environment.

A difference in the parties' aspiration points is evident in most negotiations. As an example, let us go back to the car-buying situation. In the car deal, you want to buy the car for $22,000 but dealer would like to sell the car for $25,000. See figure 4 for an illustration of the relationship between a car buyer and seller concerning their aspiration points.

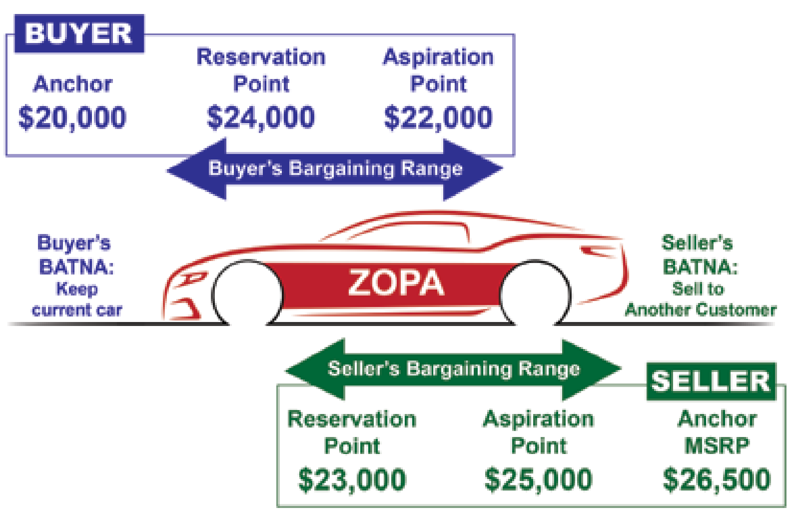

Figure 4. Car buying and selling. (Graphic courtesy of the AFNC.)

As another example, we go to a unit running 24/7 operations on Anywhere AFB. You work in this unit and are negotiating your holiday work schedule (see fig. 5). 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 to allow only three days off.

Figure 5. Establishing a Zone of Possible Agreement. (Graphic courtesy of the AFNC.)

Reservation Point

In negotiations, the least satisfactory option a negotiator might accept is the **reservation point**, also called the resistance point.[8] For example, the lowest price a seller will sell at or the highest price a buyer will pay. When deciding on a reservation point, make sure you understand this is your least favorable "go versus no-go" point. Do not make your reservation point so weak that if you accept an offer at the reservation point, you will be dissatisfied with the deal. Conversely, do not make your reservation point so strong that after you lose the deal because the Opposite could not meet your reservation point, you have regrets due to a lost opportunity. The reservation point establishes the point between staying in the negotiation and executing your Best Alternative To a Negotiated Agreement (BATNA). See figure 4 for an illustration of the relationship between a car buyer and seller concerning their aspiration points and reservation points.

Bargaining Range and Zone of Possible Agreement

The area between a negotiator's aspiration and reservation points defines their **bargaining range**.[9] Further, any overlap of the negotiating parties' respective bargaining ranges defines the **Zone of Possible Agreement** (ZOPA). If there is no overlap, there is no ZOPA, and no need to negotiate.[10]

As an illustration of these terms, let us finish the car example introduced earlier. You want to buy the car, and would like to pay only $22,000 for it (your aspiration point), but are willing to pay up to $24,000 (your reservation point) for it because you like the color (the car color is a psychological interest). Any more than $24,000 and you will not close the deal and execute your BATNA—there is a similar car offered by an online dealer; the dealer is asking $23,500. Your bargaining range is from $22,000 to $24,000. The seller would like to get $25,000 (dealer's aspiration point) to maximize the profit but it is getting close to the end of the sales quarter and to make the intended goal, the seller is willing to let it go for as little as $23,000—the dealer's reservation point with a substantive and procedural interest. If the dealer fails to sell this car, the sales goal may not be met. Anything less than $23,000 and they will execute their BATNA (keep the car on the lot and look for a different customer). The dealer's bargaining range is from $25,000 to $23,000. Where the bargaining ranges overlap is the ZOPA ($23,000 to $24,000). Anything outside the ZOPA results in one of the negotiators executing the BATNA. To give yourself some wiggle room and perhaps an outside shot at your aspiration point, you make an opening offer and anchor at $20,000. The dealer, also hoping to get to the aspiration point, counters with an anchor, the manufacturer's suggested retail price (MSRP) of $26,500. Hopefully, in the back and forth of the bargaining process, the final price will be somewhere in the ZOPA and a deal is made.

As a workplace example, let us say you are negotiating a holiday break. Your unit is running limited operations from 24 December until 1 January. Your aspiration point is getting all of this holiday period as leave, a total of nine days. As a reservation point, you would accept as little as four days, 24 December through 27 December. 24 December is your spouse's birthday. You must celebrate this birthday; previous deployments caused you to miss the last two birthdays and you really cannot miss this one for any reason. The scheduling office's aspiration point may be to give you no more than three consecutive days off during this holiday period but as a reservation point would accept as much as six consecutive days off. A potential ZOPA would range from four days (24–28 December) to six days (24–30 December). See figure 5 for an illustration of this situation. See figure 4 for an illustration of the relationship between a car buyer and seller concerning their aspiration points, reservation points, bargaining range anchors, ZOPAs, and BATNAs.

Anchor

Establishing an **anchor** is a common negotiating tactic and is part of the process of making demands or offers, depending on the negotiating strategy. When a person presents an anchor, that person is providing the Opposite some indication of their aspiration point and bargaining range. Depending on the circumstances, an anchor is usually at, or slightly beyond, the aspiration point. The anchor's goal is to influence the Opposite's expectations. Research strongly suggests that in most situations, the stronger one's anchor, the closer the final agreement is to that negotiator's aspiration point.[11] Negotiators who make modest anchors do not usually do as well as those who open with more ambitious anchors. This is common in the retail business, especially for big-ticket items. Retailers will set an anchor in bold print (such as the MSRP) and then offer you a significant discount—and usually do much better than if they advertised their actual cost for that product and add their markup.[12] See figure 4 for an illustration of where an anchor fits with respect to aspiration point, reservation point, and the bargaining range.

Demand

A **demand** is a strong statement of terms with no room for adjustment. It is very positional and is the most precise use of the "take it or leave it" negotiation. You present a demand at face value, allowing no opportunity for adjustments or adaptation to new information, ideas, or options. The negotiator usually calculates the demand relying only on his/her own information. When stating a demand, you are signaling your anchor, reservation point, and aspiration point simultaneously. In other words, a demand is the best you are hoping for (aspiration point), the least you would accept (reservation point), and the only solution you see (position and anchor). If the demand is not accepted, you should execute your BATNA. A demand is a tactic used often in the distributive-oriented **Insist strategy**.

Offer

Similar to a demand, an **offer** is a statement of terms, but it is more flexible because it anticipates counteroffers by the Opposite. By deliberately expressing an offer rather than a demand, the negotiator thinks the Opposite has some level of information, power, or other options available, and the offer gives the negotiator some wiggle room to adjust to the anticipated actions by the Opposite. Sometimes offers exceed the aspiration point, as in anchoring, with the anticipation that the counteroffer will shrink expectations away from the aspiration point and closer to the reservation point.[13] When you make the initial offer in a negotiation, you usually base this offer solely on your information. In the back-and-forth process of counteroffers, negotiators exchange additional information and adjust accordingly to the quality of the information. An offer is a tactic used often in the distributive-oriented **Settle strategy**.

Best Alternative to a Negotiated Agreement

A **BATNA** is an elegantly simple concept but can be notoriously difficult to establish and execute.[14] A BATNA is an opportunity, or opportunities, a negotiator would execute should the negotiation fail. The key is you must be able to execute a BATNA *without the Opposite's involvement and/or permission.* A BATNA is not your reservation point; a BATNA is something you would do if you could not meet your reservation point. You should always know, protect, and attempt to improve your BATNA and always estimate (and attempt to weaken) the Opposite's BATNA.

The following three criteria determine a valid BATNA:

1. It must be something a negotiator can do unilaterally, without any interaction with, nor permission from, the Opposite. A BATNA is not a BATNA if it requires action, cooperation, and/or consent by the Opposite.
2. It must be a real option. It must be something a negotiator can and is willing to do. Negotiators must have the time, resources, authority, and will to execute their BATNA.
3. It must be a credible BATNA in the Opposite's eyes. You may believe you will execute your BATNA, but unless the Opposite also believes your BATNA is credible, it loses its power to influence the negotiating process.

As an example, if you are negotiating with other base personnel on an office move and getting nowhere, a strong BATNA would be that your current office space is adequate to do the mission and available for the foreseeable future. If your current office area is cramped with a marginal electrical system and due for demolition in six months, you have a weak

BATNA. A useless BATNA is **bluffing** by telling the Opposite 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 five 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 someone sideswiped your car during tomorrow's commute.

Discussing BATNA before a detailed discussion of the five negotiating strategies is useful because creating a BATNA is an option in four of the five strategies (Insist, Evade, Settle, Cooperative Negotiating Strategy, but not Comply). See figure 4 for an illustration of the relationship between aspiration point, reservation point, bargaining range, anchor, ZOPA, and BATNA.

Regardless of which strategy you choose, these 10 concepts are part of the common language. Conducting an effective negotiation is very similar to conducting a mission. First, understand the concepts and learn the subskills. Then, assess the environment, and before executing the mission, you plan. Step one, understanding the essential concepts, is complete. More details on the essential concepts are available in the glossary and on the AFNC website. The next section introduces subskills for negotiations; these subskills are fundamental—you need to master them. They leverage the thinking and decision-making processes that can lead to a better negotiation process.

Notes

1. Lewicki, *Essentials of Negotiation*, 64–99; Fisher, *Getting to Yes*, 3–14; and Jeong, *International Negotiation Process and Strategies*, 107–125.
2. Lewicki, *Essentials of Negotiation*, 65–66.
3. Ibid.
4. Raiffa, *Art and Science of Negotiation*, 33.
5. Lewicki, *Essentials of Negotiation*, 14.
6. Spangler, "Integrative or Interest-Based Bargaining."
7. Lewicki, *Essentials of Negotiation*, 115.
8. Harvard Business Essentials, *Negotiation*, 23–24.
9. Lewicki, *Essentials of Negotiation*, 12.
10. Cohen, *Negotiating Skills for Managers*, 163–64.
11. Ibid. 119–24.
12. Shell, *Bargaining for Advantage*, 159; and Cialdini, *Influence: Science and Practice,* 19–20.
13. Cohen, *Negotiating Skills for Managers*, 120–22.
14. Fisher, *Getting to Yes*, 97–106.

Chapter 5

Essential Subskills for Negotiators

Negotiation is a problem-solving process that requires certain skills. This section discusses the following subskills, with a particular focus on how they can help you negotiate with more confidence.

- Using divergent thinking to develop new ideas
- Using convergent thinking to arrive at a negotiated outcome
- Using Critical Thinking (CT) to better identify the problem and then assess the merits of possible outcomes
- Knowing the pros and cons of both inductive and deductive reasoning when deciding which to engage during the negotiating process
- Leveraging both Active Listening (AL) and empathy to gain useful information from your Opposite

Convergent and Divergent Thinking

Most leaders can operate in either convergent or divergent thinking; however, operating outside one's preference requires a deliberate effort. Convergent thinkers tend to see problems as obstacles. For convergent thinkers, the problem becomes a target to destroy, manage, or overcome. Practicality is the basis for a solution. As examples, many scientists and engineers prefer convergent thinking, as do many military leaders.[1] As a contrast, divergent thinkers tend to see problems as opportunities for exploration. For divergent thinkers, the problem is a starting point from which to imagine multiple possible solutions. Many artists, entertainers, and authors prefer divergent thinking.[2] Below are expanded descriptions of these forms of thinking.

A convergent thinker's mental process tends to be reliable, rational, and rules-based. They constantly work to reduce uncertainty, ambiguity, and cognitive dissonance. Although convergent thinkers can create multiple perspectives and can build thorough plans that fully address all contingencies, they are most comfortable when they can identify, early on, one clear solution. Once convergent thinkers identify a solution, they prefer to stop looking at alternatives and focus on finding support to operationalize their preferred solution. Convergent thinkers who work at continuously taking options off the table during the problem-solving process consider the Insist and Settle strategies as efficient execution of their preferred thinking style (see table 1 below).[3]

Table 1. Strengths and weaknesses of convergent thinking

Convergent thinking strengths	Convergent thinking weaknesses
Efficient problem solving in crisis or emergency situations	Susceptibility to confirmation bias
Effective problem solving within conventional boundaries, such as budget, policy, and/or precedent	Running the problem-solving process from "inside the box"
View limitations as guideposts rather than impediments to the problem-solving process	Are more risk-averse than divergent thinkers
Ensuring solutions are based on theory that is directly supported by evidence; risks are addressed and managed	Marshaling support for a settled-upon solution at the expense of considering contrary information

In contrast, the divergent thinker's mental process tends to be more creative and spontaneous.[4] They are comfortable with uncertainty and ambiguity. They prefer flexible plans with as many options as possible. Divergent thinkers tend to dislike settling on one solution and continually search for more alternatives. Divergent thinkers work at continuously adding options to the table during the problem-solving process and consider the Cooperative Negotiation Strategy as a method to execute their preferred thinking style (see table 2 below).

Table 2. Strengths and weaknesses of divergent thinking

Divergent thinking strengths	Divergent thinking weaknesses
Better able to solve problems involving novel issues and/or situations	Disliking finality, which may result in pushed or missed deadlines
Enhanced creative abilities; divergent thinking is not limited by conventional boundaries, such as budget, policy, and/or precedent	Always thinking outside the box and often not knowing a box exists. This means losing sight of the problem at hand and having a higher tendency of "chasing rabbit trails"
Comfortable with uncertainty and ambiguity and accepting risk as a part of the process	More willing to "learn from mistakes" in execution than trying to "avoid mistakes" during the planning process
Idea development based on novel, unproven, and unique approaches	Overly resisting boundaries and limitations

As you have seen, a distributive negotiation leverages convergent thinking skills. In contrast, integrative negotiating relies first on divergent thinking to create options and then requires convergent thinking to select the best option as the way forward. Most negotiations need both divergent and convergent thinking skills. Using the above descriptions, you can self-assess your preferred domain. Your next step is gaining the skills needed to engage in your nonpreference when the negotiating situation calls for it.

If you prefer convergent thinking, the following tips can help you deliberately engage divergent thinking processes:[5]

1. Look at it from different perspectives. For example, you would be amazed at how differently you would look at traveling, health care, the workplace, and learning opportunities if you spent a day in a wheelchair.

2. When you are developing ideas, nothing is wrong. Keep a running log of your ideas. Often, you will be thinking of the twentieth variation when you realize a slight modifi-

cation of another idea may also work, but you cannot recall the details of that earlier idea.

3. Divergent thinking is risky; be unafraid of failure in yourself and others and also tolerant of "lost opportunities" in the time spent pursuing various ideas.
4. Use a search engine to get you thinking! Do not use it to get an answer; instead, use it for gathering interesting perspectives on the topic you are tackling.
5. If someone is thinking "X," deliberately think, "not X." For example, if someone says "to solve this, we need more training." You should be thinking, "to solve this without training might require . . . ."
6. Make a list of categories about the problem, then think of questions to ask in each category. See the section discussing CT for more ideas.
7. Make people state (or self-interrogate) the alleged problem in different ways. It will help better define what people think the problem actually is and it will get people to say things like, "well, now that you put it that way, here is an idea on X."
8. If the problem is amenable to drawing, have people sketch their ideas. Some people are visually oriented and are much more creative if they can see a picture rather than hear words.
9. When someone creates a new idea, think of way to "add" to the idea. Then take the same idea and think of ways to "eliminate" portions of it from the proposal to see if it still achieves the intended outcome.
10. Change locations. A change in scenery or circumstances often triggers different part of the brain.

If you prefer divergent thinking, the following tips can help you deliberately engage convergent thinking processes:[6]

1. If you need to evaluate an idea, emphasize convergent thinking. Evaluate what is actually there, not what you wish were there.
2. Do forced choices. "If I had to pick one, this would be the one and why."
3. Place a time limit (I need to make up my mind by XYZ time) and stick to it.
4. Before you start choosing, perhaps think of what the qualities of a "good solution" might be and list them. Then look at the ideas and use your "qualities list" as selection criteria.
5. Find patterns between your ideas. The one with the strongest links to other ideas might be your best idea.
6. With a group, use the yellow sticky method to have people choose their best idea (from what is on the board) and explain why. The decision might be made by consensus, but be cautious of groupthink.
7. If there are detractors to the consensus in number six above, ask them to suggest the one or two things that would make that idea (and only that idea) work.

8. Get away from the problem for a period of time. Giving the process a mental break can help clarify the situation as you concentrate on something else.
9. Find out which idea is the worst and why, then take that and see if there is an idea on the board that best solves the "worst" comment. It may be a good solution.
10. Put idea "titles" on cards—then have the group (or yourself) sort the cards from best to worst. See if you can combine some of the ideas in the top three cards into a coherent idea or option.

Deductive and Inductive Reasoning

In addition to understanding divergent and convergent thinking, you should know your reasoning preference. There are two major philosophies concerning reasoning which affect negotiations, deductive and inductive reasoning. Knowing your preference as well as your opposite's preference can be useful in a negotiation. It gives you an indication on how you can gain support for your conclusions as well as understanding the Opposite's reasoning pattern.

Deductive Reasoning

Deductive reasoning starts with the acceptance of an overarching principle or premise and then draws conclusions regarding a specific situation.[7] Sometimes this is informally called a top-down approach or formally "Aristotle's logic."[8] Deductive people accept these overarching principles or premises as durable and true.[9] Similarly, deductive people fully accept the follow-on conclusions drawn from this reasoning because they flow from an immutable and universally accepted principle.[10] For example, if a culture accepted the overarching principle that taking another human life is wrong, regardless of circumstance, then that culture could deduce and defend the idea that capital punishment is not an acceptable sentence for murder regardless of how heinous the circumstances of any particular murder case.

Inductive Reasoning

Inductive reasoning is familiar to many military leaders; it is bottom-up, evidence-based reasoning.[11] Experience, the collection/use of evidence and data, and the use of controlled experiments can help describe circumstances and then support conclusions.[12] Theories then help explain the conclusion. However, induction does not rely on any *single* theory to support the validity of a conclusion. In inductive reasoning, *several different theories* could explain any one conclusion. Thus, conclusions drawn with inductive reasoning always involve some element of uncertainty.[13] What is important in inductive reasoning is that the theory provides a logic trail that connects the data to the conclusion.[14] As a simple example, an inductive person will state the sun rises in the east because for all history, people have recorded (and this person has also observed) the sun rising in the east. Another perspective on inductive reasoning is that it tends to rely on specific known historical data and uses that information to make future and/or more general conclusions.[15] Going back to the example of murder, in a culture using inductive reasoning, the taking of another's life may still be wrong but not without exception. If the crime is sufficiently heinous (think of a serial killer who stalks in cold blood and with evil premeditation), then the senseless murder of an innocent child creates circumstances where the death penalty may be an acceptable sentence for this particular crime.

Logic and Aircraft Design

If you were to design a fly-by-wire flight control system, the type of reasoning you prefer would influence your aircraft design. Multiple computers control a fly-by-wire aircraft. The pilot makes inputs to these computers, and these computers then decide how to move the flight controls to achieve the desired result. Controlling an aircraft is a math problem, balancing lift and weight as well as thrust and drag. Say you are a deductive thinker. As a deductive thinker, you believe computers are more mathematically accurate than humans. With this overarching principle, you would design a fly-by-wire system where the computers had an ultimate say on moving the flight controls.

Now let us switch to inductive reasoning. Computers are still very accurate in mathematics, but you take in evidence where computers have locked up and provided inaccurate results. Your fly-by-wire design would still have these computers making the bulk of the decisions, but you give the pilot more authority to override these computers. In real life, the initial Airbus fly-by-wire aircraft designed used deductive reasoning. In contrast, Boeing jets used inductive reasoning. After a few close calls where the Airbus did things that the pilot and passengers definitely didn't like (starting the landing flare too soon and other issues), the Airbus system was modified to allow the pilot more authority to override the computer system when needed.[16]

Deductive and Inductive Reasoning in a Negotiation

The following are techniques to consider when applying the concepts of deductive and inductive reasoning to a negotiation.

Know if you prefer deductive or inductive reasoning.

This will help you tailor your CT skills before and during a negotiation. If you are a deductive thinker, question the validity of your overarching premise. Question all the norms and accepted standards.[17] Are there alternative frameworks, structures, and/or premises that could also become part of your negotiation? For example, you are negotiating with an Opposite on the best way to do X. You are under the premise that your highly specialized organization is the best there is at doing X. That might be true; however, also look at evidence of other effective ways for doing X that are similarly exemplary yet different from how you might conduct the mission.

If you prefer inductive reasoning, be careful of confirmation bias. Remember, inductive reasoning gathers data to support a conclusion. It is only human nature to gather data agreeing with your logic pattern and discarding contrary information. Always question your data's validity and reliability. Have a good reason for discarding any data. Do not discard it because you do not like it. Further, do not rely on the immediate solution.[18] System 1 (Sys1) thinking is the tool of choice of inductive thinkers as it grabs the information, quickly culls through it, and arrives at a "good enough" answer because it only took the data agreeing with what was already "known" as the correct answer. Deliberation suffers at the hands of a rushed Sys1 process.

If you negotiate with deductive thinkers, do not argue facts and evidence.

That is not where they draw their conclusions. Work to reframe the negotiation away from their premise. If they are negotiating a gender issue, try to reframe it as a safety issue; it may introduce a different premise. If they are negotiating from a service doctrine perspective, reframe into a joint doctrine perspective or a joint operations perspective. If you are negotiating a discipline issue and the Opposite is using a "deserving of punishment" frame to arrive at a penalty, see if you can change the premise to compassion, long-standing precedent/tradition, or even reversing the premise and framing it as an opportunity to be bold and innovative.

When you negotiate with inductive thinkers, provide evidence that raises doubt concerning their data's validity.

Ask them where they got the data, how old it is, and if that source had ever provided inaccurate data. Ask if the data is first- second- or thirdhand. Ask if it is opinion or validated fact. Offer another theory to examine the worthiness of the same data.

Changing reference frames can sometimes help you work with inductive thinkers. If they have used a specific timeframe to support their point, see if expanding the timeframe will give you a different (spot versus trend) perspective. If they are using cumulative data, see if using rates and percentages is more conducive to your point. As an example of introducing doubt, a negotiation on budgetary issues is ensuing and one party is insisting the budget is out of control because expenditures have "tripled" in the last year. They inferred a 300 percent increase is synonymous with losing control of the budget. You might gain an advantage by asking what about the increase using dollar amounts. You might discover that indeed expenditures "tripled," from $1,500 to $4,500 (out of a multimillion dollar budget). However, this new frame makes the argument that a $3,000 increase is not cause for alarm. By the way, that $3,000 represents 00.3 percent of the unit's budget.

Critical Thinking

CT is challenging to define but an important process to master.[19] Simply put, a critical thinker looks at all parts of a complex issue or problem with a fair, open-minded, and bias-managed 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." In execution, CT questions revolve around the *who*, *what*, *when*, *where*, *why*, and *how much* questions. Answering a question with a narrative usually indicates a CT question. A question that can be answered with a "yes," "no," or "maybe" is usually not a CT question.[20] There are volumes written about the concept of CT. This practical guidebook provides the essentials of how to apply CT to your negotiating process. In the annex containing the worksheets for the negotiating strategies, you will find several sets of

CT questions to help you negotiate. The CT questions in these worksheets reflect the techniques outlined below.

1. Create a thesis for what you are trying to prove. Then create the disagreeing statement to the thesis, the antithesis.[21] For example, consider the following:
   - Thesis: hands-on training on the actual device is the only effective way to gain proficiency in a task.
   - Antithesis: hands-on training on the actual device is not the only way to gain proficiency in a task.
2. Use the *who*, *what*, *when*, *where*, *why*, and *how much* questions to both assess the validity of the thesis as well as find support for the antithesis. This helps you control confirmation bias by forcing you to ask questions that seek answers that intentionally try to disprove your theory/conclusion/position.[22] It will also help prepare you for the actual negotiation as the Opposite might be using your antithesis as their thesis.
3. Have a friend act as a "red team" to find flaws in either the questions you develop or the answers you gather. This helps with controlling unfounded assertions and fundamental attribution errors when you determine the value of the information you receive. This red team approach will also force you to assess what you might otherwise take for granted. In the example above, a good red team friend would ask you to define "proficient." They would also ask you if the task was even necessary or if there was another route available.[23] This is an effort to override the tendency to accept assumptions as facts rather than going through a true validation process to see if assumptions can indeed be accepted as facts.
4. Disbelieve the first conclusion you draw—this is a technique to help control the Sys1 impulse of quickly solving the problem. Deliberately work to engage System 2 (Sys2) processes.
5. There are essentially three reasons to use CT questions:
   - It helps you gain detail to separate assumptions from facts. Answers to the *who* and *what* questions help define the problem more clearly, especially the questions that ask about the source (*who* said it) and content of the comments (*what* did they say).
   - It helps you gain context and understanding of the environment. Asking *when* and *where* questions help form the background for the *who* and *what* questions. It will help clarify the situation and conditions for when it actually happened—and not in today's context. For example, asking when a policy was developed and then determining the environment that surrounded that policy decision will help provide understanding as to *why* it happened. When you reflect on history, put yourself in the context of that time.
   - It helps you gain perspective on how you (and others) see "reality." It helps you suspend judgment by repeatedly asking why. Some leaders suggest you ask why five times to help peel back the layers of the situation to get at the essential core of the issue.[24] Also, *why not* and *what if* questions help you get closer to the core issue. If the Opposite agrees with your why not or what if questions, you will be one step

closer to a potential solution. If they rebut these questions, another follow-up series of why questions helps reveal their interests. It is important to gain the Opposites' perspective; they see the same data you are observing, yet they draw different conclusions. Asking the Opposite why they perceive things differently than you do can often reveal their deeply held interests, positions, and aspirations.

6. To help you manage biases and promote divergent thinking, you should consider identifying categories of questions and then formulating questions within the frame of each category. This helps prevent the engineer from only asking engineering questions and fosters diverse perspectives on the issue. Categories of questions include, but are not limited to, the following: natural and social sciences, policy, age, gender, ethnicity, culture, religion, philosophy, art, entertainment, history, and precedent.
7. You should also be brutal about your sources. Do not research sources and people who only agree with your viewpoint. This is simply an extension of the confirmation bias and feeds Sys1 processes. Force yourself to consider multiple perspectives. You do not have to agree with the source but you should critically consider what the source has to say and why they are saying it.
8. Since CT is an iterative process, at the end of each series of questions, ask yourself the following:
   - What don't I know?
   - What have I not asked?
   - What might someone else in my situation ask?
   - Have I sufficiently identified the problem? How might the gathered information change the problem statement?
   - What did I learn from success? What did I learn from failure?
   - Since no anticipated solution is perfect, what problem might be created by adopting the anticipated solution?[25]

One final note on CT: Negotiation is a CT process and to help that process, communications need to continue. Any action that curtails the conversation between negotiators can curtail the negotiation or the negotiation's effectiveness. A golden rule of conversations is that questions continue the conversation and statements tend to end conversations. When negotiating, emphasize the questions and minimize the statements.[26]

Active Listening

Military leaders are taught and trained to act. An unintentional byproduct of this highly desired trait is a tendency for leaders to act quickly, making numerous decisions using a mental reflex process that is Sys1 dependent. An additional and unintentional byproduct of quick decisions is its effect on our listening skills. We listen to gain just enough information to *act*, not necessarily *ponder*. For routine situations, this is acceptable and efficient. It supports our nature to be convergent thinkers. For a more deliberate negotiation, where creativity and novelty are required, the listening process must be more encompassing and measured. In short, instead of listening to respond, active listeners listen to understand. These are two different processes. AL can help negotiators with the following: [27]

1. Creating an environment that attends to the Opposite. Attending means making the speaker the most important person of the moment. Distractions are eliminated and the focus is on what that person has to say. The location should be selected to facilitate the Opposite's preferences. Do they prefer a formal office setting, bright public space, or even an outdoor location? Does the Opposite need to have easy/immediate access to their peers/supervisors during the negotiation or can they negotiate comfortably while disconnected from their cohorts? Does the Opposite have a time preference? Even comfort features like appropriate food and drink facilitate an AL environment. You can also facilitate the negotiation by demonstrating appropriate posture, body motion (head movement, hand gestures, etc.) and culturally appropriate eye contact.
2. Following the conversation by asking open-ended and "door-opening" questions and even some carefully crafted statements. Use questions, statements, and noncoercive invitations to help extend the conversation. A useful maxim: the more the Opposite talks and the less you talk, the more information you are gathering without giving up much information. Information is key to an effective negotiation. The following are examples of open-ended/door-opening communications designed for negotiators:
   - Help me understand. Can you tell me more about your views on this problem?
   - When did you discover the problem and what made it important to you?
   - What would you like to see as a result?
   - Who else shares your perspective on the problem? Why are they concerned?
   - Where do you see this situation in 3/6/9 months?
   - How might I be of help?
   - I am interested to hear your perspectives on this.
   - I have set aside the time to listen to what you have to say. Please tell me more.
   - What in particular is causing concern for you and why?
   - You seem passionate about this issue. Please tell me more.
   - Is there anything else you want to tell me?
   - If you could do one thing, what would it be and why?
   - If you could do it again, what would you do differently and why?
   - If you could do it again, what would you not change and why?
3. Responding is a key skill in AL. Responding includes you
   - recapping the conversation,
   - repeating any key phrases the Opposite made, and
   - asking clarifying questions to gain more clarity on the Opposite's information, perspectives, and priorities.

The following are some techniques to leverage these three ideas.

1. Recapping means you summarize what you heard back to the Opposite using your own words. Follow up on your summary with a question like, "Did I hear you correctly?" or "Did I understand what was most important to you?" The purpose of recapping is first to signal you actually listened to the Opposite. Second, by not responding with an answer but rather a comment with an immediate follow-up question, you are giving the Opposite the opportunity to correct the record immediately instead of later in the conversation. Finally, you can frame the recap to get the Opposite to agree with you. If you do an effective and accurate recap, and the Opposite agrees with what you said, then you can comment, "Great, I am glad we got some common understanding on this" or something similar to reinforce a positive atmosphere.
2. Repeating key phrases is analogous to recapping, but it focuses on one or two things that the Opposite stated. For example, if the Opposite states "And that's what is most important to me," answer back with "That's what is most important to you," and then give an affirmative head nod, followed by silence. Silence often motivates the Opposite to fill in the quiet time with additional information about why that item is most important to them.
3. Ask clarifying questions. Questions continue conversations, so prepare questions after the Opposite has finished. Simple questions like, "I think you said that more training was the most important issue for you. To help me understand better, will you please tell me why you came to that conclusion?" You can also ask questions that bridge from the present to the future. "I wonder if . . . ?," "What about . . . ?," or "Where do you see this going?" questions can give the Opposite an opportunity to suggest possible outcomes.

These questions are especially important in difficult negotiations where the Opposite is busy living in the past and working to lay blame rather than to find fixes. A negotiation is really about what people want in the future. The more you can get the Opposite to frame the negotiation as a forward-looking process and not a rehash of history, the better chances of gaining an outcome.

Empathy

Empathy, as part of a negotiation, is closely related to AL. Empathy allows you to better understand the Opposite's perspectives on the problem, their constraints, as well as what they might see as future possibilities.[28] With empathy, you are looking at the situation through the Opposite's frameworks, biases, heuristics, and logic patterns. This action helps you better manage your biases and heuristics.[29] Effective empathy helps build trust as it looks at both the rational as well as emotional components of the Opposite's perspectives.[30]

There is also a biological reason why empathy is important to negotiation. Without empathy, nobody but yourself can understand the problem from your point of view. Without empathy, people feel isolated as if they are the only one with the problem. Neurobiology tells us when someone feels isolated, he/she encounters stress and begins a self-preservation routine. Under this stress, a person's aggression and defensiveness increases as cortisol (the body's "alerting to danger" chemical) triggers the fight, freeze, or flight mechanism. Then, adrenaline (the body's "action" chemical) kicks in to execute any decision made by the brain.[31] What empathy does is reduce a person's overwhelming need for defensive self-reliance by having them realize someone else understands their situation and is willing to listen to them. This is the core of hostage negotiations.[32] Simon Sinek describes empathy as the act of increasing the "circle of safety."[33] Empathy reduces defensiveness, with a corresponding decrease in the need for cortisol. When cortisol is cut, the body releases oxytocin (the body's "bonding, belonging, and trust-building" chemical). Developing empathy requires oxytocin.[34] Empathy helps reduce fear as the Opposite sees they are moving from isolation to a risk-sharing situation as they build trust with you.[35] But what exactly is empathy, and how do you operationalize the idea?

Empathy is defined as the "capacity to take the role of the other and to adopt alternative perspectives."[36] Empathy does not mean agreement but rather a better understanding of why a person feels, thinks, and does what he or she feel, think, or do.[37] It needs to be unconditional and nonjudgmental, which is difficult when the Opposite displays fear-based aggressiveness and/or defensiveness during the negotiation.[38] Sys1 thinking is also a barrier to effective empathy because your Sys1, by nature and training, automatically evaluates all incoming data. A deliberate effort to engage Sys2 will help manage that issue. Finally, empathy also helps you resist the temptation to tell *your* story; instead, you focus on *their* message.[39]

American culture struggles a bit with empathy because of its more individualistic nature, which is the reverse of an empathic, group-centered, "Circle of Safety" orientation. [40] It does not mean individualistic people cannot be empathetic; it means they need to make it, as with all good negotiation tactics, a deliberate process.[41] Now that we have covered how important empathy is in negotiation, below are tips on how to operationalize the skill.

1. Recognize and identify the emotions in your Opposite. Do not simply "separate the people from the problem."[42] Ask them to provide the details behind their emotions. That helps you understand why they are upset, disappointed, disengaged, and so on. You need to know the rationale behind their feelings.[43] Simple questions like, "You sound upset. Can you help me understand why this is bothering you?" can foster a better understanding of the Opposite's perspective of the problem and potential solutions.

    - A technique is to use the label and claim framework to identify the why behind the emotion.[44] Suggestion, "I see that you're mad (label the emotion) at me (claim responsibility for the emotion). I might be mad at me as well (another claim) if I was in your shoes. Tell me how we got here?" In addition, ask a follow-up question, "Tell me how we get out of this?"

    - Another technique to operationalize the "label and claim" framework is to build the conversation along the "feel, felt, found" frame. "I feel you are disappointed in the offer. I have sometimes felt the same way when I thought I was not being treated as I expected. I have found that explaining why I am disappointed helps to solve the problem. Help me better understand by telling me why you appear disappointed."

2. Be aware of any nonverbal communications. This is part of recognizing and identifying emotions. If the Opposite's verbal and nonverbal communications do not match, ask a clarifier. "You are telling me that you are OK with the idea of delaying the staff

action, but, at the same time, I sense you might be uncomfortable with that idea. Will you please tell me more?"

3. Employ a calm, patient demeanor as you ask questions and reflect/summarize their comments. CT questions go a long way to showing the Opposite that you care about them and their perspectives. As you construct the conversation, imagine yourself in their situation. As you take their perspective, build the questions you would want to hear that would give you an opportunity to better express your concerns.[45]

4. You need to understand that the Opposite is not one-dimensional. People under stress are even more risk averse and often have more reasons for not agreeing to a proposal than they have for agreeing to the proposal. Developing empathy is about asking questions that are uncomfortable, but need to be answered. In addition to asking, "Tell me what you like about this proposal," also ask, "Tell me what might be bothering you about this idea."

5. If you are in an adversarial negotiation and are trying to lower barriers, list the worst things the Opposite might say about you and then say them first. Let us say the Opposite thinks you are deceiving them. You could say, "I bet you think I'm lying. Please, let me show you that I'm being up front with you." Another option would be to say, "I bet you are mad at me, tell me what happened to cause the anger." A final suggestion is to say, "I don't seem to be meeting your expectations; can you recap the events that led us here?"[46]

6. When in a group negotiation, there will be quiet people and not-so-quiet people. Purposefully engage the quiet ones with questions and invitations like, "We've heard some good ideas from Master Sergeant Able. Thanks! I want to keep hearing more. Sergeant Bravo, what do you think the key issue is?" Empathy is about making connections through communications. You cannot ignore the other side (or parts of the other side in a group setting) and expect great results.[47]

7. Another way to build empathy is to first acknowledge the past and then focus on the future. Acknowledging the past and how it created the situation that sparked this negotiation lets the Opposite know you understand not only why you are here, but also why they are in the negotiation. Then asking them the question, "Where do you see us in three months (or whatever time horizon you choose)?" Follow this with, "What are your ideas on how to get there?" This makes them feel significantly less isolated and more a part of the solution.[48]

8. A final technique. Consider asking experiential questions. This personalizes the conversation and balances objective facts with their subjective experiences. Ask a question like "Has this happened to you in the past?" Then perhaps request more information with, "Tell me about this experience." Point to the future by asking, "What might it take to make sure this happens/doesn't happen in the future?"[49]

Remember to work at staying neutral. It is one of the hardest things to do when you and the Opposite are under stress. It is human nature to judge quickly and move on. Slow Sys1 processes down and allow Sys2 (where CT and AL live) to help you develop empathy.

A final note on empathy. In many negotiating situations, people are not always looking for agreement as much as they are looking for support and understanding. The value of empathy is that people under stress are often looking for social support for their perspectives. Empathy can help fill that need as it enables you to give social support, by revealing to the Opposite that you recognize they have a problem and you are willing to take the time to understand their perspective. That shows respect. These empathetic actions are a form of a mental coping strategy. The better you can help them cope, the better the chances of a trusting relationship and the better the chances of a productive negotiation.[50] With an understanding of the subskills needed, an assessment tool is the next step.

Notes

1. Franco, *Creativity Course 702*, 6.
2. Ibid.
3. AFNC offers Professional Military Education students attending Air University courses the opportunity to take a computer-based assessment of a person's preferred negotiating style. Available upon request.
4. Wilson, "The Second Principle"; and US Army, *Applied Critical Thinking Handbook*, 91.
5. Manning, *Divergent vs. Convergent Thinking*; and Briggs, "30 Ways to Inspire Divergent Thinking."
6. Manning, *Divergent vs. Convergent Thinking*; Buggy, "How to Use Divergent and Convergent Thinking"; and OmniSkills, "Convergent Tools Quick Reference," 1.
7. Utah State University, *English: Introduction to Writing*.
8. Stanford University, *Stanford Encyclopedia of Psychology: Aristotle's Logic*.
9. Spencer, "Question Corner and Discussion."
10. Herr, *Source Book for Teaching Science*.
11. Lucaites and West, *Inductive Reasoning*, 1.
12. Ibid.; and Spencer, "Question Corner and Discussion."
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14. Utah State University, *English: Introduction to Writing*.
15. Khan, "Difference between Inductive and Deductive Reasoning."
16. Miller, "Is Flight 447's 'Fly-by-Wire' Aircraft Technology Safe?"; Unattributed interview with a Delta pilot, April 2012; and Hing, "Just About Flying."
17. Malhotra, "6 Ways to Develop your Deductive Reasoning."
18. Ibid.
19. US Army, *Applied Critical Thinking Handbook*, 85.
20. Fisher, *Critical Thinking*, 13–14; and Straker, *Open and Closed Questions*.
21. US Army, *Applied Critical Thinking Handbook*, 84.
22. Heffernan, "Dare To Disagree"; and US Army, *Applied Critical Thinking Handbook*, 48.
23. US Army, *Applied Critical Thinking Handbook*, 48.
24. Ibid., 78.
25. Ibid.
26. Macleod, *Asking Questions and Making Statements*.
27. "Goodreads: Quotable Quotes," Quote attributed to Stephen R. Covey; and Oregon Department of Education, "An Introduction to Interpersonal Relationship Skills"; and Cohen, *Negotiating Skills for Managers*, 47–48.
28. US Army, *Applied Critical Thinking Handbook*, 80.
29. Holmes, "Psychological Logic of Peace Summits," 1.
30. Martinovski, "Rejection of Empathy in Negotiation."
31. Sinek, *Leaders Eat Last*, 55, 130.
32. Voss, *Never Split the Difference*, 1–18.
33. Sinek, *Leaders Eat Last*, 21.
34. Ibid., 56.
35. Ibid., 19–25; and Martinovski, "Rejection of Empathy in Negotiation."
36. Mead, *Mind, Self, and Society*, 27.
37. Harvard Program on Negotiation, "Empathy."
38. Voss, *Never Split the Difference*, 97.

39. Ibid., 149–61.
40. Solomon, *American Negotiating Behavior*, 49.
41. Voss, *Never Split the Difference*, 151–56.
42. Fisher, *Getting to Yes*, 17–40.
43. Voss, *Never Split the Difference*, 52.
44. Ibid., 73.
45. Ibid., 51
46. Ibid., 73.
47. Lee, *New Rules of International Negotiation*, 225–27.
48. Ibid.
49. Ibid.
50. Hudson, “6 Ways to Improve Empathy in Negotiations.”

Chapter 6

Trust, Information, Power, and Options Model

As with any model, the trust, information, power, and options (TIPO) model (see fig. 6) attempts to categorize and describe reality.[1] The model does not replicate reality but provides a means to better understand a situation. There are four distinct elements in the TIPO model. In reality, the elements blend across one another; therefore, if you find yourself torn between placing an observation across more than one TIPO element, you are simply dealing with the limits of this model. Just put your observation in the category you think it best fits and move on. A quick example is how you might categorize data. In the TIPO model, you could consider data as an element of either information or power. The critical concept is that you considered the impact of data on your TIPO analysis. Where you placed it in the model is not as important.

Effective leaders spend time understanding their environment. TIPO is a process that helps you assess your situation, which in turn will guide your negotiating strategy selection. In addition, the TIPO framework can help you understand why your Opposite selected the negotiating strategy they may be using on you. This insight may help you counter any effects you deem harmful or leverage the factors you consider helpful. The TIPO framework models how trust, information, and power are interrelated and influence the way you might develop one option or multiple options.

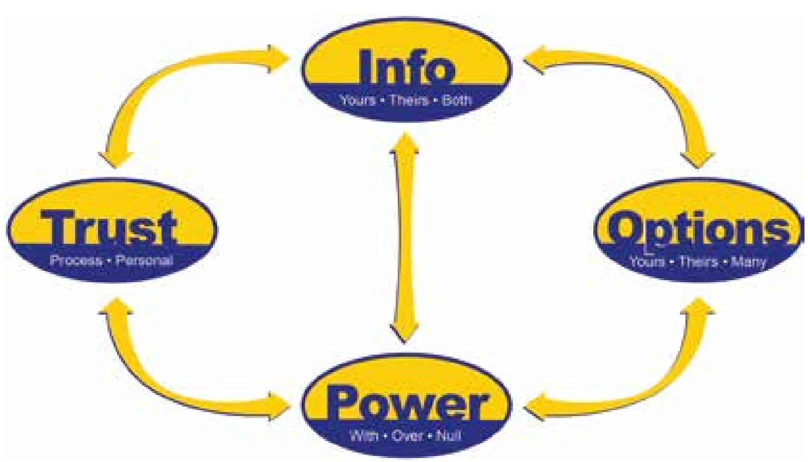

Figure 6. TIPO model. (Graphic courtesy of the Air Force Negotiation Center [AFNC].)

Trust

To start the TIPO process, you need to assess the amount and type of trust between you and the Opposite. This is a two-way analysis; it is your assessment of your trust in the Opposite and your estimate of their trust in you. In a negotiation, trust is your belief and/or 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 current and future actions and intentions. Trust does not equate to confidence. Sometimes you may have high confidence that the Opposite is trying to cheat you—that might be a good thing to know if you intend to negotiate with them. Usually, high trust is associated with positive activities, such as believing the information they provide 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; you must master this skill. Later in this section, the guidebook provides several detection techniques. Trust can either be assumed or earned. For example, when military people who share in their service's Core Values meet each other, trust is likely assumed. Likewise, trust may be earned through negotiation processes when participants prove themselves trustworthy in their words and actions.

Trust may be categorized at least two ways: trust in a process or trust in a person. Process trust exists when both parties have faith in an institution and/or a third party supporting the negotiation. 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 process trust. In fact, they might distrust each other but can still have an effective negotiation because of their strong process trust. Process trust also exists in the military culture, through items and tools such as the Inspector General system, USAF instructions, the chain of command, and so on. These provide a basis to support agreements between two military leaders who do not know, and might not otherwise trust, each other. The foundation of process trust in the USAF is the culture's regard for the Core Values: integrity first, service before self, and excellence in all we do.[2] Military leaders who do not know each other rely on this process trust as they negotiate agreements. They can work together because they believe the Opposite will adhere to these simple, yet powerful, Core Values.

The other form of trust is personal trust. This form of trust is independent of any reliance on an institution and/or third party. You establish personal trust at the most tactical level—between you and the Opposite. You base personal trust on the mutual and reciprocal exchange of values, information, feelings, insights, and perceptions. Deep personal trust has a strong emotional component. Deep personal trust can exist when flight- or squad-mates endure combat. Warriors willingly take significant risks for one another because they believe that if the roles were reversed, their teammates would do the same for them.[3] In a negotiation, you can build and validate interpersonal trust through seemingly small actions. Checking on an Opposite's reputation, responding to the Opposite's nonverbal communication, validating their information, and seeing how they deliver on minor items, such as punctuality and clarity in their communications, are tools to help assess your personal trust in them. A cautionary note: you must assess trust through the Opposite's cultural expectations. For example, if you are dealing with a culture possessing a different perspective on time, you might misinterpret their late arrival as being disrespectful when, in their culture, they were on time. The delay was due to a happenstance encounter with an old friend outside your shop. Nonverbal communications are also culturally sensitive. Direct eye contact might be a positive thing in many cultures; however, other cultures might considered direct eye contact as rude and aggressive. Also, remember in the military context (especially when dealing with military leaders from another culture), personal trust will also reflect the Opposite's chain-of-command—they may be a trustworthy individual but their leadership's directive may not allow them to build a deep relationship. The bottom line: after mastering the information is this guidebook, you must also understand the culture you are dealing with.

Trust-building measures are tools to help you establish and develop trust. Trust-building measures are calculated steps taken at the start of a negotiation to establish rapport and demonstrate the honorable nature of your actions. These actions help set the expectation of further honorable exchanges between you and the Opposite.[4] Trust-building measures can be simple actions; below are a baker's dozen of the most useful ones:

1. Providing good information in a format and style the Opposite understands
2. Empathizing with their perspective and outlook on the future
3. Delivering on any promises made
4. When you have to say "no," taking the time to explain why certain things can or cannot be done
5. Meeting their essential expectations on timeliness, protocol, respect, hierarchy, and etiquette
6. Showing a willingness to participate in a validation process to turn assumptions into facts
7. Agreeing to neutral, third-party oversight if needed/requested
8. Taking a genuine interest in the Opposite both as a person and the problem they are dealing with
9. Not taking advantage of a Power Over negotiation situation to dominate the Opposite
10. Showing a conditional willingness to compromise or be flexible on items that are low cost to you but high value to the Opposite
11. Taking responsibility for any errors or missteps
12. Not lying
13. Going above and beyond the call of duty, underpromising, then overdelivering. [5]

Trustbuilding takes time; however, once established, trust helps facilitate more effective communication and potentially more effective problem solving down the road.

Pitfalls of Unilateral Concessions

People do not always see an immediate, unilateral concession as a form of trust building or a valid trust indicator. If you give something up to your Opposite immediately and unilaterally, the Opposite might see it as a sign of weakness. Also, if they give up something immediately and unilaterally to you, they could be leveraging you for reciprocity later in the negotiation.[6] As an example, in a deployed location, you are attending a resource planning meeting for an upcoming construction project. You want to show cooperation, so you offer up some of your resources without condition or expectations. You think you are generous and a real team member; the Opposite(s) in the room might see you as weak and wonder what else they might get from you with minimal effort on their part. The negotiation becomes a test of your limits of generosity instead of a search for a mutually agreeable solution. Similarly, you are at another meeting where an Opposite makes an immediate, unilateral concession; offering up some of his/her Airmen for the upcoming mission. She/he does not reveal to you that these Airmen are excess to their mission; you are actually taking a supervisory responsibility away from their overburdened hands. You respond with a favorable evaluation of how things are going; the Opposite, however, may be setting you up for a demand that they will make later in the negotiation that will be far costlier to you than any benefit from the initial concession. How do you defend yourself?

First, when you are thinking of making an upfront concession, understand the cultural context you are working in; some cultures see immediate compliance as a sign of weakness. You can still make the concession, but make it conditional. Statements like, "I'd like to show you our willingness to help with this offer, but I can only do this once." This "concession with conditions" establishes a limit to your generosity. Also, if someone offers you an upfront concession, ask how he or she decided on the offer. In the above example, a question like, "Thank you for your generosity; what detail/mission/project did you pull your Airmen off of to make them available to this project?" The answer would help reveal how much the Opposite is really sacrificing in this seemingly generous concession. Another tactic might be to say, "This is very generous. Since I have so much less to offer, I will have difficulty matching that level of generosity as we work this negotiation."

In many negotiations, parties rely on some combination of process and personal trust. Culture drives the ratio between process and personal trust systems, the negotiators conduct business only with personal trust. In cultures where there are viable and resilient institutions, it is possible to negotiate based solely on process trust (think about negotiating a mortgage completely online). As a benchmark, Western cultures have a higher use of process trust due to reliable institutions and a more formal legal system. More traditional cultures (such as some found in Africa, Asia, the Middle East, and South America) highly value personal trust due to their unique social structures. How you assess trust will affect how you regard information and the use of power in the upcoming negotiation.

One final note on trust. In a negotiation, you should work to meet your Opposite's priorities on trust. This priority varies by culture, but the effect is universal. In short, various cultures have unique expectations about the type of trust they value. In some cultures, process trust predominates; in others, personal trust not only predominates but is virtually the only trust available. Regardless, you should develop trust using the priority the Opposite assigns it. It is much more effective for a negotiator to take the time to develop personal trust with an Opposite who values it highly than to work all sorts of process trust efforts that the Opposite may either not recognize as trust or even if they recognize it, not value it. In some cultures, "I must know and trust you before I deal with you" is a social prerequisite for their negotiations.[7] In this situation, no personal trust results in no negotiation or a fruitless effort. The next two sections will address the relationship between trust and information as well as trust and power.

Information

The level of trust directly influences the next segment of the TIPO model, information. If trust is high, you tend to accept and believe the information presented by the Opposite is truthful and reasonably complete. This condition gives you a potentially greater selection of negotiating strategies. Conversely, with no or low trust, you may believe the Opposite's information is incomplete, incorrect, or even intentionally deceitful. Poor trust in the quality of the Opposite's information limits your negotiating strategy selection or even prevents you from negotiating effectively.

If you find yourself in a no or low trust situation and you suspect you are getting poor information, you must make a choice: (1) validate, (2) challenge, (3) ignore, or (4) risk.

1. *Validate*: When you choose to validate the suspect information, you should also determine if you have the resources to do the validation process. Validation may require more independent research on your part, the use of a third party to do research, and/or asking the Opposite a series of critical thinking questions to help you determine the information's validity. All of these tactics require time and effort. If you do not have the resources to validate, then you need to make other decisions.
2. *Challenge*: Another tactic is to directly challenge the Opposite with your concerns over the information. This can be, but does not need to be, confrontational. A confrontational tactic might be to call the Opposite out. Making statements and asking questions like, "That's not right and I can prove it"; "Show me where you got that, I don't believe it"; or "I don't believe you, where did you get that information?" is a risky confrontational tactic but can unbalance the Opposite and motivate them to confess and correct. Another, less confrontational tactic would be to do a discovery process. Questions like, "I don't understand how you came up with that number, can you show me how?"; "Forgive me for my lack of expertise, but can you tell me more about this?"; or "I can't explain this to my boss with what you gave me—you need to tell me more" still support your efforts to challenge the Opposite but with potentially less impact to the trust-building process.
3. *Ignore*: You may choose to ignore the information and act as if the Opposite never provided the information. The dismissal can be hard or soft. A hard dismissal might sound like, "I won't accept this information at face value. Let's work with something else." A less confrontational statement might sound like, "I'm not comfortable using this information. For now, let's put it aside and explore other sources."
4. *Risk*: Finally, you can accept the suspect information at face value as if it were factual. Before choosing this tactic, you need to make two risk assessments. First, assess the potential impact on the negotiation if you accept this information and later find out it is false. Certainly, there will be impacts on trust between the negotiators, especially in the military context where the Core Values prevail. Second, assess the potential impact on the negotiation if you grudgingly accept this information and later find out it is true. It might reveal either your potential biases or incomplete situational awareness. With these considerations, you have a basis for a cost/benefit analysis to help you decide if you want to use this particular tactic.

Trusted Information

Conversely, on the other side of suspect information is trusted information. Complete information trust means you are willing to fully 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 would never give away all your bargaining power by showing the salesperson your bank balance.[8] However, many trusting relationships do allow for a great amount of disclosure during the negotiation, to include sometimes revealing unpleasant or unpopular information. The bottom line: the relationship between trust and information will influence the negotiating strategy you pursue. Additionally, trust affects your perspectives on power.

Power

There are two discussions in this section on power. The first discussion describes what types of power are potentially available to the negotiator. The second discussion deliberates how the negotiator might apply power, as Power Over or Power With.[9] You may encounter or leverage up to six types of power in a negotiation.[10]

Expert power is possessing skills, knowledge, and/or information in a process or subject matter. For example, in a forward operating base (FOB) meeting about how to leverage the use of an electrical grid, the deployed electrical engineer has tremendous expert power, especially if the other people in the negotiation trust that the civil engineer's information is accurate and valid. In this situation, everyone in the room might know how to flip a light switch but the electrical engineer with master sergeant stripes will have significant negotiating power because he/she is the only one in the room who actually knows how to wire up the FOB.

Position power is self-evident in the military context. Position—sometimes called legitimate power—is the power available when others see either your rank or designated authority as legal and acceptable. At times, incomplete planning results in a negotiator not fully leveraging the potential of this power. For example, agenda setting can be an opportunity to leverage position power to your advantage (attendees, location, speaking order and duration, off-limit topics, and so on). Also, consider the advantage of position power when being officially designated as the project lead or the official who will report the results up the chain of command. This may give you more position power than what your actual rank may warrant. In some situations, leveraging the "wiring diagram" and command relationships can also produce this type of power. Keep this in mind when you watch your Opposite set up the agenda, the reporting chain, the points of contact, the office of primary responsibility, and the office of coordinating responsibility. Are they doing it to facilitate the overall negotiation process or facilitate the advancement of personal priorities over the group's overall gain by leveraging their position power?

Referent or charismatic power exists when someone strongly identifies with or respects another. It is human nature for people to associate themselves with people they like and/or respect. Many teams have informal leaders who have no position or legitimate power yet seem to wield tremendous influence. In a negotiation, you may leverage this power using two tactics. First, if you surround yourself with people that your Opposite likes or respects, being with those people creates a situation where some of your associate's referent power transfers to you. Some cultures have elaborate rituals surrounding the introduction of people, often using a third party or intermediaries.[11] Doing so is intentional; using a trusted third person with referent or charismatic power helps link the two negotiating parties. This tactic is a useful trust-building tool when you are assigned to a new unit or staff.

For example, as a new staffer, if you are replacing a person with an excellent reputation on the staff, ask them to take you around and do the initial introductions as part of your orientation process. The people you meet will likely have a higher opinion of you because you associated yourself with someone they admire. The opposite is also true. If your future teammates abhor your predecessor, you might consider skipping this tactic.

Another way to leverage referent or charismatic power occurs during a negotiation. As you negotiate issues, associate your ideas with a person the Opposite values. For example, you encounter difficulties as you explain an idea to your Opposite. You might gain leverage by relating to the Opposite that you just described this very thing to a fellow Airman—a fellow Airman whom the Opposite respects. This Airman considered your idea brilliant! You might even have that Airman at the meeting to lend more credibility to your point. Marketing relies on this type of referent and charismatic power to sell products; that is the whole reason celebrities push toothpaste, investment programs, and credit cards.[12]

Coercive power is when you can harm (either physically or psychologically) the Opposite or be perceived as capable of harming the Opposite. This power's key feature is that the person you are trying to influence perceives your power as both valid and executable. You may have all the firepower in the world but with no authority to fire a single round (and the Opposite knows that), this coercive power is invalid. Similarly, if you have limited coercive power but the Opposite believes you have more and are willing and authorized to use it, you have tremendous coercive power. Although not for every situation, you can exaggerate your coercive power through bluffing and puffery.[13]

Reward power is the power to reward action or inaction.[14] For reward power to work, the Opposite must perceive it as valid. 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, in a deployed location, you may have the authority to award security badges, allowing a select group free movement in a specific area. Access to these badges benefits the holder. Threatening to award these badges to the Opposite's competitor is an exercise in reward power but used to possibly drive the Opposite into complying with your positions or interests.

Influence power is using a combination of reward and coercive power. It is similar but distinct from the way Cialdini's book *Influence* treats the concept.[15] When considering negotiations, influence power is the deliberate application of a carrot and stick approach, getting people to do or not do things in a way that meets your goals. You apply influence power when you get other people to work your issues, convince them to adopt your positions or interests, or get people to not do things that would otherwise interfere with your goal achievement. Through influence, you may build temporary or permanent coalitions by convincing others to join your cause or abandon the Opposite's cause. This type of power is often used in a multiparty negotiation when several parties band together—pool their collective power and adopt a single vision—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.

You can assess these six types of power by building a quad chart like the one below.

Q: What types (and amount) of power are available to you? A: ______________________________	Q: What types (and amount) of power are available to the Opposite? A: ______________________________
Q: How do you perceive the Opposite's power? A: ______________________________	Q: How does the Opposite Perceive your power? A: ______________________________

Applying Power (Over/With)

Actually using your power depends on the relationship between the negotiators. The two application tactics are Power Over or Power With.

The Power Over tactic applies one of the six types of power listed above so that it gives you an advantage *over the Opposite*. For example, "pulling rank" at a negotiation to gain an advantage is using Power Over. Presenting new and valid information at a large, public meeting to put the Opposite at a disadvantage— rather than sharing the information beforehand in private—is applying expert Power Over.

With low trust in the Opposite, or you believe their actions are working against your interests, you may use your power to overcome, override, or outmaneuver them. You may use your expert power to discredit whatever data they bring to the table, a tactic familiar to trial lawyers. You may derail the Opposite by using your process knowledge and leverage the bureaucracy's inherent inertia to work against their efforts. You may also threaten them with coercive consequences if they do not agree with your plans. When you consider using Power Over you should contemplate the potentially negative impact of your actions on trust, the relationship, the exchange of information, and the development of options.

Power With is the other tactic. It applies one or more of the types of power in a manner that *improves both party's* chance to benefit from that power. For example, sharing expert power by providing the Opposite useful information before or during a negotiation to facilitate option-building is using Power With. Introducing your Opposite to a valuable and influential teammate that can help work the bureaucracy is an example of sharing expert power. A note of caution: there is risk when using Power With first; the Opposite may not reciprocate and the information you provided may give the Opposite an advantage. To manage that risk in a "first use" situation, use Power With only where you are assured that high trust exists or, in a situation where you have less assurance, you might still start with Power With but ensure the information you offer is not enough for the Opposite to seriously damage you if they use it against your interests.

As discussed, there is a tight relationship between trust and power. Power can be hoarded (Power Over) or shared (Power With)—it all depends on the amount of trust you have with the Opposite. Since trust is the foundation of the TIPO model, the trust assessment affects all other elements in the model. With exceptional levels of trust, power may be actively shared, for example, 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 and provide ideas (not solutions) for their consideration. You may have referent power with a group and are more than willing to make introductions between people to help the negotiation. You may have position power and choose not to reveal it to the group to facilitate a more egalitarian discussion. How might you do that? The Naval War College can serve as an example. Students attend class dressed in civilian business attire. This policy removes the visual reminders of who is the ranking student in the room. Another example is the use of an off-site, where meeting rooms lack the artifacts of power normally decorating a military office. In addition, all attendees wear casual attire. Conversely, with poor levels of trust, the natural defensiveness of negotiators motivates them to leverage whatever power they possess using a Power Over tactic. A byproduct of using Power Over is the potential to lower the level of trust even more. This creates a downward spiral of relying on Power Over, which leads to more decreasing trust, which reinforces the need to use even more Power Over.

There is another facet to applying power: it may help build trust. It is risky, but sharing power with someone whom you distrust may open the door to building trust. When you show a willingness to *not* use power at all, demonstrate restraint when applying power, and/or show a willingness to share power in a low trust situation, you can help improve the negotiating environment. Prior to using this tactic, assess the risk to you if the Opposite takes advantage of your trust-building efforts.

Trust, Sharing Power, and Getting Rich

The invention of Velcro is an excellent example of the relationship between trust and power. George de Mestral, the inventor, was not an accomplished engineer. He only came up with the idea of Velcro after walking his dog. Although he had a revolutionary idea, experts repeatedly turned him away because they did not like his idea. Their expert power convinced them that anything beyond the button, hook/latch, and the zipper was folly. Eventually, he met with leaders from a small French company. This company was a textile industry leader, but rather than using their expert power over Monsieur Mestral, they trusted him and shared their development and manufacturing expertise with the amateur inventor—and together perfected what is now a commonplace product—and both became rich.[16]

Options

The final step of TIPO assessment considers how the trust and its effect on information and power affects the development of one or more options. How you determine your approach to option(s) affects the negotiation strategy you select. As you look at options and option-building, first determine what outcome you intend to achieve. Do you intend to solve the problem, treat the symptoms of the problem, or cope with the problem? Military negotiators may be surprised by the fact they have to not only consider that decision but also make it. The military context is predisposed to take decisive action and solve the problem.[17] A short analogy (see "The Spider on the Path" below) helps illustrate the issue.

The Spider on the Path

An Airman from a high-context culture relayed this to his Western squadron-mates. The story concerns a spider that lives on a path between two villages. The spider bites everyone who passes. The bite is irritating but not lethal. He then asked a Western squadron-mate what he would do the second time he encountered the spider as he traveled between the villages. The reply was, "I would kill the spider." The officer then related that there might be other outcomes. Yes, you could solve the problem by killing the spider but you could also cope with the problem by finding another path around the spider. It might be longer or the terrain might be more difficult but you would still get to the other village and both you and the spider would continue to live without pain. Another outcome might be to use the same path but develop an ointment that would treat the symptoms of the bite to minimize the pain. Again, you would still get to the other village and the spider would still live but you would have to accept some side effects of this choice. The teaching point is that sometimes you negotiate to solve a problem and sometimes you negotiate to do something else.

Once the desired outcome is determined, considering options is the next step. Options may be easy or hard, cheap or expensive, yet they are all nevertheless options. Option building requires two elements: first is defining the problem and second is identifying possible resources available (information, power, time, people, money, etc.) to address the problem. The more resources you and the Opposite have, the greater the number and quality of potential options. 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 and zipper. People wanted a strong, yet temporary bond, especially between fabrics. If the companies that first dealt with Monsieur George de Mestral had trusted his information and shared decision-making power with him, they perhaps could have seen what he had envisioned, and reaped a tremendous profit. Here is where Mestral's perspective came from: on walks in the countryside, he observed mountain thistles clinging to his beloved dog with an amazing tenacity. Perhaps the fabric company leaders only saw a mangy mutt that needed a good brushing. However, the final company, the one that worked with Monsieur de Mestral, took his idea and combined it with their ideas on development and manufacturing. Together, they took fabric-fastening technology to the proverbial "next level." They developed novel options together that neither could do on their own because they decided to share power and information, without fear of reprisal or prejudgement.[18]

Conversely, when trust is low between parties and the parties hoard their power and/or information, developing any mutually beneficial options becomes difficult. In the extreme, it narrows down to only *your* information and *your* power to operationalize *your* desired option, possibly over their objections. This imposed option is a form of negotiation, and it does have its time and place; however, it may lead to suboptimal results and/or significant problems in execution and/or follow-on negotiations.

Notes

1. TIPO was developed by the AFNC in May 2011. Based on extensive feedback by the Department of Defense (DOD) Special Operations community.
2. Air Force Doctrine, "The Air Force Core Values."
3. Sinek, *Leaders Eat Last*, 3–6.
4. Malhotra, "6 Ways to Build Trust in Negotiations."
5. Ibid.; and Chen, "101 Ways to Build Trust."
6. Cialdini, *Influence: Science and Practice*, 19–20.
7. Unattributed interview with Air War College International Fellow, November 2006.
8. Lewicki, "The Role of Trust in Negotiation Processes," 32.
9. Ibid. 150–51.
10. Lewicki, *Essentials of Negotiation*, 150–65.
11. Moore, *Handbook of Global and Multicultural Negotiation*, 396.
12. Creswell, "Nothing Sells Like Celebrity"; and Davidson, "How to Get a Celebrity Endorsement."
13. Lewicki, *Essentials of Negotiation*, 186; and Goldman, *Psychology of Negotiations*, 217.
14. Lewicki, *Essentials of Negotiation*, 152.
15. Cialdini, *Influence: Science and Practice*.
16. Bellis, "The Invention of VELCRO."
17. The AFNC has conducted and debriefed thousands of mediation and negotiation exercises covering more than a decade. One consistent perspective is featured: military leaders highly value decisive action.
18. Harford, *Adapt*, 112.

Chapter 7

Negotiation Strategies

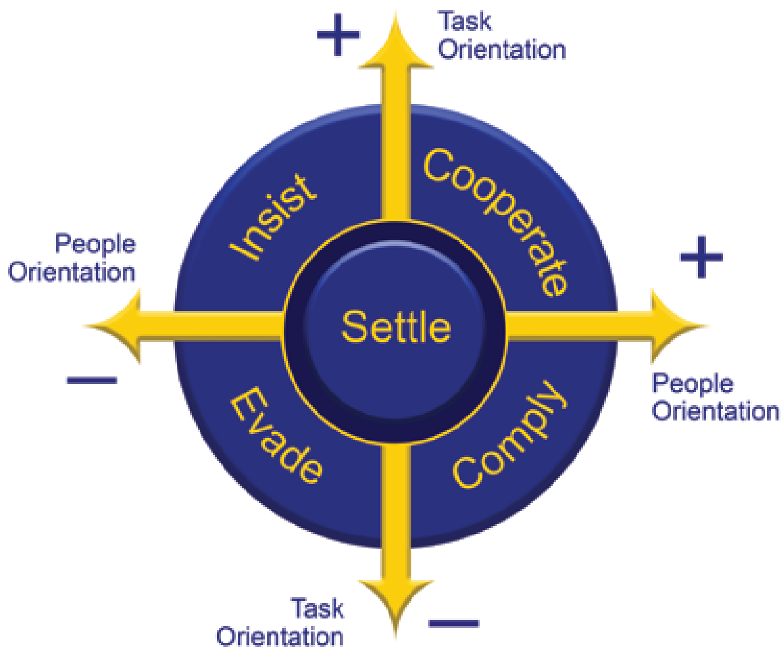

Figure 7. Negotiation Strategy Chart (NSC). (Graphic courtesy of the Air Force Negotiation Center [AFNC].)

In this chapter, five strategies combine the two variables (task and relationship) as illustrated in figure 7. Before describing the strategies, it is important to note that all five strategies have value and serve a purpose. Because negotiations occur in such a wide range of circumstances, no single strategy can work in all situations. Just like 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. In addition, when the situation changes, you should also consider a change in strategy.

In addition to negotiation strategies and relationship variables, this chapter also discusses the trust, information, power, and options (TIPO) assessment preceding strategy selection or adjustment. Knowing the variance in TIPO values helps you select a strategy. Additionally, since trust, information, power, and options can and frequently do change during a negotiation, awareness and critical evaluation of these changes can guide your shift in strategies during the negotiation. At the end of each section on a particular strategy, the guide presents ideas on how to employ that strategy.

Evade Strategy (Two Branches)

Evade Description

Evade is a passive, unassertive strategy where you are not currently motivated to work your expectations or meet their expectations. When might you choose to Evade or "kick the can down the road"? There are two broad situations. First is branch 1, choosing Evade to handle an unimportant issue. In this situation, the status quo is preferred to any envisioned solution. There may also be a condition where you anticipate events will overcome the need to negotiate. The second is branch 2, using the Evade strategy if you are working to buy time to improve your TIPO variables: increase trust, gain information, improve power or think of new options so that you may engage in a later negotiation using a different strategy.

Evade (Branch 1: Overcome by Events) TIPO Analysis

In assessing TIPO, the Evade strategy (branch 1) may be appropriate when:

Trust: When trust is low or no trust exists, it may be at a point where you believe the Opposite is not willing to work with you or you believe they intend you ill will. The Evade strategy may give you an opportunity to leave the negotiation. You expect coming events will change the situation in your favor and overcome the need for any negotiation.

Information: Overall, you have little to no information and do not have the resources nor motivation to gain the needed information that would allow a change in strategy. Sometimes the information you have may discourage you from engaging in the issue, even if the Opposite is interested in engaging.

Power: You have low or no effective power and do not have the resources nor motivation to gain the needed power that would allow a change in strategy.

Options: To develop options, you need resources. In this situation, where trust, power, and/or information are low or nonexistent, you have no option-building capability. Often, this results in a situation where the status quo is acceptable, as you have no real ability to engage. Your only alternative at this point is to consider Comply, which means accepting the outcome the Opposite prefers. If this outcome is worse than your status quo, you should consider Evade in anticipation that conditions down the road will eliminate the need to engage with the Opposite. Do not use this strategy if future events will make the situation even worse for you. Sometimes, your first loss is your best loss.

Evade (Branch 1) Example: You Got to Be Kidding Me

You are staring at your email. You are trying to buy some brand name power accessories for your tablet and the seller is making your life difficult with some high-pressure sales tactics. The seller is practically screaming, "Better buy it now before someone else gets this great deal!" This pressure is affecting your trust in this seller. You have little information or power advantage right now but you have a hunch something is breaking in the information technology market. There is a buzz on social media about a battery technology breakthrough that will significantly boost the reliability of aftermarket accessories. If you are willing to make do with your outdated equipment for just a little while longer, you might be in a better position six months down the road. As you are contemplating your future, the seller calls and you let it go to voicemail.

In a similar vein, put yourself in a staff package negotiation. Your Opposite has this "hot" package and you are blindsided. You also have no immediate ability to improve trust and work things more cooperatively. If 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. See appendix 2 for a worksheet to plan and apply the Evade strategy (branch 1).

Evade Strategy (Branch 1) Bumper Sticker:
"I wish I could help you, but I can't."

Evade (Branch 2: Improve Your TIPO) TIPO Analysis

In assessing the TIPO, the Evade strategy (branch 2) may be appropriate when your TIPO analysis is weak but you are motivated to engage the Opposite sometime in the future with another strategy. In simple terms, you currently lack trust, information, and power. This leaves you unable to develop any viable options. Additionally, you do not want to Comply with the Opposite, as their proposed outcome is worse than either the status quo or your Best Alternative To a Negotiated Agreement (BATNA). However, you see the need to engage with the Opposite sometime in the future with something other than the Comply strategy. To do that, you need space to build a stronger TIPO so you can bring something to that later negotiation.

Evade (Branch 2) Example: Being Blindsided and How to Recover

In this example, you are at your squadron and a coworker comes to you with a problem concerning the security of some equipment. You are blindsided; you were not aware there was a problem and have little information or power to engage in a negotiation. You also suspect your coworker has a separate agenda, so your trust is not very high at this point. If you engage with the Opposite, their proposed solution would be worse than your status quo, and you would have to accept the proposed solution as you do not currently have the power to influence the process nor have enough information to come up with viable alternatives to the Opposite's position. In this situation, it might be smart to use the Evade strategy and delay action while you work the situation to make conditions down the road more favorable. First, this delaying action might be useful to determine if there ever was a problem, or if it is a problem, is it the problem as the Opposite described? Additionally, Evade might be useful as you buy time to get better information, validate if there is a separate agenda, gain more allies in your cause, investigate possible flaws in the Opposite's proposal, or come up with options of your own.

Essentially, Evade is a delaying action. It avoids any immediate, meaningful negotiation and seeks neither an outcome nor the development of a relationship; however, the Evade strategy does have a strong point. If you are confident the situation will soon be "overcome by events," then this can be a useful strategy if the damage to the relationship is tolerable. If you are choosing Evade to delay action, this strategy does cope with the conflict, but it does not seek to address it, so its usefulness is somewhat limited.

If you select the Evade strategy, leverage it using the tactic of "hope." As you Evade, avoid completely shutting off your Opposite. If you are using Evade to buy time to engage later, a statement like "I can't get to this today. Can you come back early next week and we'll work it?" will tell the Opposite that although they have not come away with an outcome they wanted, there is potential for working something in the near future. Hope is a great motivator. See appendix 2 for a worksheet to plan and apply the Evade strategy (branch 2).

Evade Strategy (Branch 2) Bumper Sticker:
"Not now, could you come back later?"

Comply Strategy (Two Branches)

Comply Description

The Comply strategy is a distributive strategy as it delegates the responsibility for addressing the conflict to the Opposite. The Opposite gets to split up the fixed resources as *they* see fit. This, along with the Evade strategy, is a passive approach to negotiation. The Comply strategy process is relatively simple. You may execute one of two branches: branch 1 exercises Comply leveraging existing high trust and branch 2 uses Comply to help build trust. If you choose branch 2, you are then seeking to engage in another strategy later with the Opposite. This means you need to estimate the amount of trust you need to execute that subsequent strategy—a small amount of trust to shift to the Settle strategy or a large trust increase to use the Cooperative Negotiation Strategy (CNS)—and anticipate if your Comply strategy gains you the needed trust. Also, keep in mind that Comply may also be a subroutine in a larger negotiation. You may comply with a small request up front to build good relations as well as setting up the expectation of reciprocity (or cooperation) on other aspects of the negotiation later on.

Regardless of the branch, the outcome is the same. The Opposite gets what they want and you, as the compliant side, give up whatever is at stake or grant the Opposite a concession. Below are outlines for applying the two Comply strategies.

Comply (Branch 1: High Trust) TIPO Analysis

In assessing TIPO, Comply (branch1) may be appropriate when:

Trust: In branch 1, there is existing high trust. With this high trust, there is a good relationship between the parties and there is little risk that the Opposite might take advantage of your Comply strategy. With high levels of personal and/or process trust with your Opposite, the Comply strategy allows them to select the negotiation's outcome. Before allowing the Opposite control of the outcome, some Critical Thinking (CT) questions would help validate your choice of strategy. These questions should give you insight on how you anticipate the Opposite will act in a manner you find acceptable but not necessarily optimal. The following questions might help with this goal:

- Will the Opposite solve, cope, or treat the problem? Do I have a strong preference?
- Will the Opposite arrive at an outcome that I find minimally acceptable? If it falls below my expectations, is the benefit to the relationship worth the cost to the task?

- If the Opposite surprises me with an unexpected and unacceptable outcome, do I have a workable BATNA? If I choose to remain in the negotiation, what would be my follow-on strategy?

Information: You may have information, be willing to share the information, and even trust each other's information; however, with the Comply strategy, your information has no value. This does not mean the Opposite bludgeons you with their information, although that opportunity exits. It means you choose not to initiate or follow through on any information exchange unless the Opposite asks you for information or approves of your request to supply information. Your information has no priority in the Comply strategy because you are satisfied that the Opposite's information is good enough to generate an outcome. Any information contributions from you are secondary to the Opposite's information.

Power: If you have little power or the Opposite perceives your power is invalid, 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 little or no power. This means you seek to work with the Opposite, even if the outcome is worse for you than the status quo. You may choose the Comply strategy because the anticipated gain in the relationship is worth the cost to the task. Conversely, you may be in a situation where you have sufficient power to drive things "your way" to deal with the issue but choose not to use that power in the negotiation because letting the Opposite have it "their way" is of utmost importance to you. In either situation, you will not use any of the power you possess in the upcoming Comply negotiation.

Options: Under the Comply strategy, options lie solely with the Opposite. This does not always mean a bad outcome for you. However, when employing the Comply strategy, you must carefully evaluate the potential impact on long-term relations. For example, if you are eager to comply with anything the Opposite states, your Opposite may see it as a sign of weakness rather than team orientation. This perception may set up a challenging stage for future negotiations as the Opposite comes to expect nonstop agreement from you. This can be especially evident in some intercultural negotiations.

There is a caution on the enthusiastic use of the Comply branch 1 strategy within the military context. If applied repeatedly, the Opposite may expect endless compliance from you. This is the trap of being a "great team player." Further, the first time a habitually enthusiastic Comply negotiator switches strategies or says no, the Opposite might react negatively. They would essentially try to blame you for the nonagreement rather than blame themselves for their overreliance on your goodwill. A technique to counter this dilemma is to make Comply a conditional strategy. Place conditions on the Opposite before you agree to Comply. The following statements can help convey this conditional status:

- "I'd be happy to do this for you this one time."
- "Next time, I won't have the resources to help."
- "Next time, I won't be available."

In addition, you can bundle Comply with something you need. The following statements can serve to bundle within a Comply strategy:

- "Yes, I'd be happy to do X for you, and I'll need Y in return."
- "Yes, I can do this for you, and can I count on your help the next time I need it?"

- "Before I can free up time to help you with X, I need you to do Y."[1]

Comply (Branch 1) Example: "Yes, I Think that's a Great Idea!"

Often, when dealing with a spouse, the Comply strategy helps you build "points." It helps advance the relationship. For example, after a career filled with multiple and short-notice permanent change of station (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 even more trust with your spouse, and/or allow them to pursue their career dreams, you might need to be flexible with your choices of where to live—essentially you can live anywhere. With the Comply strategy, you can signal to the spouse that you will agree to their choice of retirement location. In Comply, their aspiration point defines your aspiration point. See appendix 3 for a worksheet to plan and apply the Comply strategy (branch 1).

Comply Strategy (Branch 1) Bumper Sticker:
"Yes, absolutely, let's do it your way!"

Comply (Branch 2: Building Trust) TIPO Analysis

In assessing TIPO, Comply (branch 2) may be appropriate when:

Trust: You selected the Comply strategy to build trust. You need a risk assessment if trust is low and Comply is your preferred strategy because the Opposite may take advantage of your Comply strategy, as they do not anticipate any resistance to their ideas. In branch 2, you are considering the Comply strategy in a calculated effort to build trust. In this situation, carefully consider what solutions you are willing to accept from the Opposite in exchange for the trust-building effort. Accepting low-cost losses in case the trust-building effort fails is a smart decision. You may have lost something, but it is minimally damaging to you and the information you gained on your levels of trust with the Opposite can help you select another strategy if you choose to continue the negotiation. The following questions might help with calculating this risk:

- What gain in trust do I expect if I choose Comply? If I expect to gain considerable trust, how much compliance am I willing to risk in an attempt to gain this trust? If the expected gain is low, is it worth Complying?
- If the Opposite senses my compliance, what might they ask or demand of me?
- If I choose Comply, should I make a preemptive or unconditional offer?
- What might signal me that the Opposite is taking advantage of my Comply strategy? What is my secondary, fallback strategy?

Information: You may have information, be willing to share information, and even have the Opposite trust your information and vice versa, but it is of little benefit to you if you choose the Comply strategy. This does not mean the Opposite will necessarily bludgeon you with their information, although they have the opportunity to do that. It means you choose not to initiate or follow through on any exchange of information unless the Opposite either initiates the information exchange process or approves of your request to supply information. Any information you have is not a priority with the Comply strategy. You are satisfied that the Opposite's information is sufficient to deal with the issue and come up with an outcome. Any contributions of your information are secondary to the Opposite's information.

Power: If you have little power or the Opposite perceives your power is invalid, 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 need to build trust and have little or 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 because the anticipated gain in trust is worth the cost to the task. Conversely, you may be in a situation where you have sufficient or even excess power to deal with the issue but choose not to use that power in the negotiation because you are using the Opposite's ability to choose the outcome as a trust-building measure. In either situation, regardless of the power you possess you will not use it in the upcoming Comply branch 2 negotiation process.

Options: Under the Comply strategy, options lie solely with the Opposite. This does not mean a bad outcome for you. With a goal of building rapport and goodwill for relations and follow-on negotiations, using the Comply strategy may help you build it. When using Comply to build the relationship, be aware of how the Opposite may interpret your actions. If you are quick or eager to comply with anything the Opposite states, your Opposite may see it as a sign of weakness rather than cooperativeness. This perception by the Opposite may set up a challenging stage for future negotiations. This can be especially evident in some intercultural negotiations.

Comply (Branch 2) Example: Take a Chance and Build Trust

You work in a maintenance squadron. As part of your duties, you are the liaison between operations, maintenance, safety, and logistics. Your predecessor in these duties left with no overlap. Several times, your predecessor was unprofessional with the other team-members. He/she rarely shared information before any meetings, deviated from the agenda when it was advantageous, and made difficult demands during these meetings. You are getting settled in and realize there is an upcoming meeting (your first) dealing with seasonal adjustments to the operations tempo. These seasonal adjustments affect everyone's schedule. You get an invite from another unit for a meeting. In it, they request a meeting agenda as well as some data essential for the meeting. From what you gathered, these other units have good reputations and seem interested in helping the mission succeed. They considered your predecessor a major roadblock to this common interest; the only thing your predecessor would agree to was his/her idea. This invite is the beginning of your negotiation because the other office is asking you for something you can either accept, reject, or amend. Your predecessor liked to reject these requests. Instead, you choose to Comply even though it might put you at a disadvantage in this meeting. You choose Comply because you want to first repair a damaged relationship between your office and the others before you get to the task. When looking at the NSC, relationship not only means individual relationships and reputations but also organizational relationships and reputations. You quickly return the call, offer to send out an agenda as soon as possible, and make a commitment to the other units to stick to the agenda. In addition, you provide the requested information and a little bit more than what they asked for because you think they need it to make a good team-oriented decision. What is the risk to this Comply negotiation? They could take advantage of your actions and put you at the short end of an agreement; however, these are seasonally adjusted issues and in the next round you will be more aware. What is the payoff? You could, in one meeting, reverse and improve the trust relationships with that group. See appendix 3 for a worksheet to plan and apply the Comply strategy (branch 2).

Comply Strategy (Branch 2) Bumper Sticker:
"I can make an exception and help you out today."

Insist (Two Branches) Introduction

Because of the unique nature of the military context, the guide provides two branches when discussing the Insist strategy. The first branch is a broader use of the Insist strategy, akin to what you might find in a highly competitive and distributive business situation or a military situation where you aim for victory over the Opposite because you see them as an enemy, opponent, and/or obstacle to overcome. The second branch is a situation where the Insist strategy may be very appropriate, although the TIPO considerations are different. That situation would be a bona fide emergency. With either branch, the Insist strategy is useful when you believe that obtaining your short-term objective is paramount. However, there may be costs to the Opposite's interests and/or the overall relationship.

Insist (Branch 1: Competitive Situation) Description

Insist is useful in highly competitive situations. In the extreme, the Insist strategy is the ultimate distributive, convergent thinking, and position-based strategy. This strategy allows you to split up the resources as you, and only you, wish. You open this strategy with a demand, leaving no room for movement and/or compromise. You will hoard your information and discount/disregard the Opposite's information. However, you risk hurting the immediate relationship. Further, you may also harm any long-term positive relationships. If you need or are directed to get a winner-takes-all outcome, then insist is a useful strategy. You may use the Insist strategy to win what you want, especially when there is little possibility of future interaction. The Insist strategy is quick, and there is usually one outcome: one party wins and the other loses. The only issue is who gets to play the victor or the vanquished. Usually, the party with the greater amount of Power Over wins.

Some suggest this winner-takes-all approach is a misunderstanding of negotiations. It is not a misunderstanding but a specific strategy available to achieve specific goals under certain conditions. The strategy's value lies in selecting it to meet a required outcome; yet, because it is shortsighted and does not consider relationships, once you win the confrontation, the Opposite is not likely to deal with you again or perhaps will cause problems during the execution of the agreement you just imposed. Because of the "get even" mindset of the vanquished Opposite, the Insist strategy requires the most careful monitoring of execution phase compliance.

Insist (Branch 1) TIPO Analysis

In assessing TIPO, the Insist strategy (branch 1) may be appropriate when:

Trust: In this situation, trust is either nonexistent, not needed, or not valued. The Insist strategy is not just IF you win, but HOW MUCH you win. If high trust exists, it may be high

process trust that will act overwhelmingly in your favor. Having overwhelmingly favorable process trust is a form of Power Over.

Information: Your assessment reveals that you do not need, desire, and/or trust the Opposite's information. Even if you assess their information to be truthful, you make a conscious decision to ignore it, discount it, or use it against the Opposite. You are assuming you have all the information needed for a decision and the information you have is of sufficient quality. Finally, you may also be motivated to ignore or discount the Opposite's information because using it can hurt your ability to achieve your objective.

Power: The Insist strategy requires overwhelming Power Over. In the assessment, you must consider not only the power you need to win the negotiation and defeat the Opposite but also have enough power to enforce the agreement. Experience shows that often insist negotiators use all their power in the negotiation to dominate the Opposite and gain a victory at the negotiating table, only to have the execution fail because the Opposite—in the execution phase—has more power than you have or has built a coalition of power to resist your ability to enforce the agreement's terms.[2]

Option: Option development under the branch 1 Insist strategy is one-sided —your side. Since trust may be low, Power Over 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 positions and interests while ignoring, either intentionally or unintentionally, their positions and interests. You do not meet to share ideas and build a solution. Rather, you use the meeting to declare your one-and-only solution, marshal the evidence to support your solution, and discredit the Opposite in any way necessary. In the optimal situation, you would have the Opposite immediately capitulate (Comply).

Insist (Branch 1) Example: The Landlord Has all the Cards

You just PCS'd and you really do not want to risk home ownership at this point in your life because is too much headache and you would rather spend weekends riding a mountain bike, not a lawnmower. You are looking for a reasonable rental that is close to both your favorite state park and the base. Unfortunately, there are several factors weighing on the rental market. First, the state park and base are not exactly in a highly developed urban area, so the number of rentals is limited. Second, there is a college in the region with explosive growth due to its reasonable tuition and a newly introduced cybersecurity studies major. Third, it is late spring, and many other people (students who accepted entrance into the local college) are looking for rentals. Fourth, there is a local boom in the economy as some corporations have recently chosen to relocate their regional headquarters to this area due to tax incentives. The landlord you are dealing with knows all the above information, and despite your best efforts at demonstrating you are a superior tenant (you pay on time, never damage the property, etc.), the landlord is sticking firmly to his/her demand; top dollar for the rental, $1,500 damage deposit, and two months of rent in advance. The landlord ignores all of your "good tenant" information. He/she will not budge; they do not care if you sign or not. He/she has a waiting list of appointments. See appendix 5 for a worksheet to plan and apply the Insist strategy (branch 1).

Insist Strategy (Branch 1) Bumper Sticker:

"Take it or leave it."

Insist (Branch 2: Bona Fide Emergency/Crisis) Description

A branch 2 Insist strategy may be useful 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 develop mutually beneficial options. "People are dying, aircraft are crashing, and/or buildings are burning down"[3] situations may call for quick action with little or no consultation. In this strategy, you need just enough position and legitimate and/or expert power to execute a minimally acceptable solution. Often in a crisis, the Insist strategy predominates at the outset, and then as the crisis recedes, you may adopt other negotiating strategies to develop and execute a more durable, long-term solution.

Urgency to act and limits on time and resources are typically evident during a crisis, making the branch 2 Insist strategy viable. Realize there will be impacts on TIPO as well as on the overall relationship. Knowing this helps you plan actions to manage these impacts and especially make plans to rebuild relationships after the crisis passes or introduce relationship-saving actions during the insist process.

For example, if you select branch 2 Insist and you have a good relationship with the Opposite (the Opposite, in this case, might be the unit you are leading), you may want to declare the strategy in advance and then inject hope for future negotiating opportunities. This action goes a long way to minimizing the impact on the relationship when using the Insist strategy. For example, saying, "I need you to follow me on this one. Once the crisis is over, we'll revisit the issue and come up with a more permanent/durable answer." This statement lets the Opposite know you will replace today's convergent thinking with an opportunity to revisit the problem and come up with a better, longer-term solution.

As a post-crisis, relationship-building example, you should create a team to address the remaining issues after the crisis passes. Saying "I know this isn't the best answer, but for the time we have, we'll make it work. I also know there are unintended consequences needing attention once the crisis passes. I need help in that effort to ensure we don't repeat history." Admitting that the solution is not perfect but good enough for the circumstances goes a long way to reducing the inevitable stress to the relationship. Again, this branch of the Insist strategy addresses a legitimate crisis with your teammates. It is not that you do not value their information; it is simply that there is not enough time to consider the information. However, your promise to revisit the situation and include their inputs can turn a potential relationship disaster into a relationship-building opportunity. Further, once you make the promise, keep the promise. An undelivered promise under these circumstances may cause irreparable relationship damage.[4]

Insist (Branch 2) TIPO Analysis

In assessing TIPO, the Insist strategy (branch 2) may be appropriate when:

Trust: Military units exhibit high trust. When a military leader uses Insist in a crisis, it risks an impact on this trust; but, if the crisis is legitimate and the leader's direction makes sense, then this high level of trust may actually make it easier to implement the Insist strategy (remember, subordinates will use the Comply strategy, although some may use Evade) because they trust you to do the right thing both during the crisis and after. Unlike the branch 1 Insist strategy where you are winning regardless of the cost to the Opposite, in this application of the Insist strategy, you are winning at the problem's expense, yet there are side effects on the Opposite (your subordinates and/or teammates) that you aim to mitigate with proper follow-up negotiation efforts.

Power: Branch 2 of the Insist strategy requires sufficient power to make the decision and execute the solution. It needs to be Power Over, with just enough power to accomplish the goal; anything more would create unnecessary consequences on the relationship. In addition to having position power and sufficient expert Power Over to make at least a minimally acceptable solution, referent power can help minimize the impact on the relationship associated with the Insist strategy. Often, people confuse referent power with popularity. That type of referent power may be useful, but in this situation, the referent power that emerges is due to the Opposite valuing and respecting your standards and actions as they simultaneously seek to emulate you because they believe what you are doing is for the best.

Information: Unlike branch 1 Insist where you do not need, desire, and/or trust their information, in branch 2 Insist, you just do not have the time to consider the Opposite's information. You assume you have at least the minimum information needed for an immediate decision and the quality of your information is good enough. If there is doubt, you might consider modifying your Insist approach and consider limited amounts of the Opposite's information. Your goal is to balance the risk associated with using only your information and with the time available to take in their information.

Option: Option development under branch 2 Insist is limited to what you can come up with in a limited amount of time. Your solution should primarily address your position and/or interests and anything that supports the Opposite's position and/or interests is secondary and incidental. It is not that you are ignoring the Opposite's position and/or interests; you currently do not have the time or resources to address them. The negotiation's purpose is to publicize your solution and use power to gain the needed support from the team to execute your solution. This is not a hostile negotiation, as in branch 1, where you want to defeat the Opposite, but rather a deliberate explanation of the circumstances and the needed solution to overcome the challenge and terminate the crisis. The goal is to counter the "people are dying, aircraft are crashing, and/or buildings are burning down"[5] situations that call for quick action with little or no consultation. In this situation, the Insist (branch 2) outcome predominates at the outset, and then as the crisis subsides, you may use other negotiating strategies to develop and execute a more durable, long-term solution.

Insist (Branch 2) Example: Right Now, We Need it "Good Enough," We'll Get Great Later

You are running a large training operation in a hot climate; over 40,000 Airmen a year depend on your good judgment.[6] From day 1, you and your team place heavy emphasis on safety, especially hydration. Heat stress and stroke are genuine risks during summer field training. Your team has an exemplary safety record and works hard to maintain high standards. Late one hot August afternoon, you get a phone call from your staff. Your instructors evacuated a trainee from a field exercise due to heat stroke symptoms. He was now at the hospital and unresponsive. At the hospital, you meet the surgeon and the surgeon tells you that the trainee had a significant hemorrhaging of blood vessels in the brain. The prognosis is poor. The surgeon states the hemorrhaging (brain edema) was due to over hydration; consuming *too much* water during the field training (hyponatremia).[7]

As you deal with the emotion-laden notification process, you also face a new and unknown enemy. Before today, the focus was on dehydration, not over hydration. You have a new enemy, but you cannot stop training operations. Later in the evening, you gather your training experts and task them with finding out everything they can about hyponatremia while you go about the notification process. You give them a three-hour suspense. With the information they gather, you will make an executive decision. Just after midnight, you reassemble the team. They report that ultra-marathoners can experience hyponatremia and the team recommends an upper limit for hydration. You know you need an upper limit; however, neither you nor the trainers are experts on this topic. You build in an extra margin of safety and cut the upper limit that your team presented by 20 percent. Further, you direct your instructors to pull any trainee exceeding the limit, send them to the hospital for testing, and due to the probable length of the hospital visit, recycle them into a later class.

Was this an optimum decision? No. Was this a minimally acceptable decision? Probably. Did it hurt the relationship between you and your team? Most likely. However, some things were in your favor. First, you had a solid, trusting relationship between you and your team before this incident. They trusted what you were doing in this crisis was in the team's best interest. That does not make your unilateral action easy to accept; proud professionals dislike being told what to do. You could minimize the impact on the relationship and trust by considering three actions. First, let the team know that this is a bona fide crisis and you will take quick, direct, unilateral, and conservative action; there is not enough time to do otherwise.[8] Second, let them know this unilateral action is temporary while at the same time providing strong insurance for immediately controlling the hyponatremia threat. Third, and as important, acknowledge the impact of your decision on their lives; this action will have the secondary effect of disrupting training. To help further minimize the effect on the relationship and bolster trust, make a promise that as soon as the accident investigation is complete, you will reengage with the team and seek the best balance between safety and training operations. You appoint a member from your team to lead the effort and instruct this leader to keep reminding you of this follow-on promise. See appendix 5 for a worksheet to plan and apply the Insist strategy (branch 2).

Insist Strategy (Branch 2) Bumper Sticker:
"It's a Crisis – Today, we need to do it MY way."

Settle

Settle Description

Settle may be an efficient distributive negotiation option when you seek an outcome to a situation but see little chance for you to get it "your way" (e.g., Insist [branch 1]) or you do not want to "give in" (e.g., Comply) to the Opposite. By using the Settle strategy, you may minimally satisfy both sides' positions through the process of compromising with your Opposite, usually in the form of splitting the difference "somewhere down the middle."[9] The Settle strategy usually opens not with a *demand* (a hard position with no wiggle room), but a more flexible *offer*—a position leaving some room for you or the Opposite to maneuver the other to an outcome. Each party "gets something" but usually not an outcome that is fully satisfactory. Additionally, the relationship orientation is not strong, as you expect the

Opposite to take care of their interests as you are taking care of your interests. The relationship is not antagonistic, but it is not nurturing.

Settling usually results in a quick negotiation, as Settle is efficient; however, it rarely delivers an optimal outcome. Settle is not as effective as the CNS because, unlike Settle, the CNS lets you build and evaluate multiple ideas, not just bargain over a single offer. You can get a quick tutorial on the major components of the Settle strategy by watching any segment of "Pawn Stars" or "American Pickers." You may observe the interplay of anchors, offers, information exchange, counteroffers, attempts at building relationships, use of power, and attempts at building trust in the "back and forth" exchanges.[10]

Settle TIPO Analysis

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

Trust: You need a certain amount of personal and/or process trust to use the Settle strategy. It will affect the way you perceive information and power. Sometimes you can find trust in the process, like a third party (examples are Kelley Blue Book and Edmunds.com for vehicles or Zillow.com and public tax records for estimates of property values). You may also assess trust by striking up a conversation with the Opposite and seeing how genuine they might be in the negotiation. The importance of striking up a conversation to assess personal trust is important, especially in a no-notice negotiation. For example, you get a call from another unit. They are asking you about the possibility of a swap on resources or at least some deal that "splits the workload." Before engaging in the negotiation, especially if you do not know the Opposite, you should ask a few CT questions to help assess trust. We suggest the following:

- "I wasn't expecting this. It might be a good idea. Please tell me the background on this."
- "You sound pretty energized about this issue, what kind of pressure are you dealing with?"
- "If I can't help you, what are your alternatives?"
- "Is this a one time or recurring issue?"

The factual answers to the above are important, but how the Opposite answers is just as important. If the Opposite answers clearly and with some sense of logic, order, and consideration to fairness, you are likely to assess positive trust. If the answers are disjointed, illogical, and defensive, then you will have a negative assessment.

Remember, with the Settle strategy you expect the Opposite to take care of their essential goals while not overly interfering with your chances to meet your goals. Trust may not be high and if you are about to engage in a negotiation where distrust exists, assess how this low level of trust might motivate the Opposite to take care of their goals by going beyond taking care of themselves and interfering with your ability to take care of your goals.

Information: Because there is some trust, you believe the Opposite is providing reasonably accurate information; however, you are not sure if they are only partially disclosing rather than fully disclosing what they know. Because trust is neither very high nor low, you protect yourself by slowly sharing information. You can observe this through the tradition of "I'll come down $5 if you match it" back-and-forth style of bargaining. This process usually splits the initial difference somewhere down the middle. You should be aware that the tradition of equitably splitting things "50/50" depends on the culture.[11] In some cultures, like Western cultures, the parties split the difference evenly, regardless of their social or economic status. In other cultures, parties from different social classes may have a different expectation of reciprocity when dealing with each other and/or with Western cultures.[12]

When exchanging information as it relates to using the Settle strategy, the information you trade is not necessarily information about the product or service. It is more focused on signaling your reservation point with your initial offer and the subsequent counteroffer(s). This signaling of the reservation point through the size of the concessions is a unique type of information exchange. As a contrast, in the CNS process, there is a deeper and more detailed information exchange that examines interests, priorities, and options rather than just reservation points.

Power: Parties in a Settle negotiation possess equal power. This allows each party to use their power for some control over the process, yet not enough power to hurt the Opposite. In this situation, especially when expert and/or official power is not a factor (there are experts and/or rank on both sides of the negotiation), compromises are necessary because neither party is willing to either comply with the Opposite's offer or take the time to share power while exploring multiple options, as in the CNS.

Options: Option development in the Settle strategy is limited. This is based on your perception that there is some trust, a belief that the Opposite's information is truthful—perhaps incomplete, but reasonably accurate—and some acknowledgment that neither side has the power to unilaterally conclude a deal. You also acknowledge that you must consider at least some of their interests—the Opposite probably will not accept a lowball offer or the Opposite is motivated to close some sort of deal rather than walk away empty-handed, etc.). In the Settle strategy planning phase, you still determine what you need but then establish some wiggle room between what you would like to get (aspiration point) and the least 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 should also have aspiration and reservation points.

Settle Example

You see a sedan on a local community e-swap website—the seller states "motivated to sell because I have a baby on the way and need to buy a minivan to replace this sedan—ASAP." The seller is willing to let it go for $25,000 (their aspiration point) or best offer. You only want to pay $20,000 (your aspiration point) but would be willing to pay up to $23,000 (your reservation point). The seller's buy-it-now price (Opposite's aspiration point) is $25,000, but deep down inside, they know, as you also know, that other online sites have sold similar cars for as little as $22,000. So they might also be willing to move it for that amount (Opposite's reservation point). This last bit of information may or may not be available to you. Your ability to close a deal is where the bargaining ranges overlap (see fig. 8). This is the Zone of Possible Agreement.[13]

For a workplace example, you are working a scheduling issue with a squadron across the base. The scheduler in the other squadron is new but came from another unit on base that seemed to have their stuff together. Your squadron refurbishes equipment. You need to delay the delivery of a piece of refurbished equipment to their squadron by four days. Their mission requires two of these units. They have four on hand and cycle them through your squadron one at a time for refurbishment. As they schedule the equipment through your operation, they pad the requested return date to their advantage. Your commander is a "can do" leader and supports the customer at every turn. Thus, he accepts everyone's requested return dates without pushback. However, on this one, there is a delay due to a spare part-backorder. You know they will not feel any mission impact for at least another week, probably more. You need a two-day delay (reservation point) but would like four days (aspiration point). You set your anchor (initial offer) at six days. The other scheduler counters with two days. You then ask if splitting the difference would hurt their operational capability and that this will not happen again in the future. He says no, that is good enough, and agrees to four days. See appendix 4 for a worksheet to plan and apply the Settle strategy.

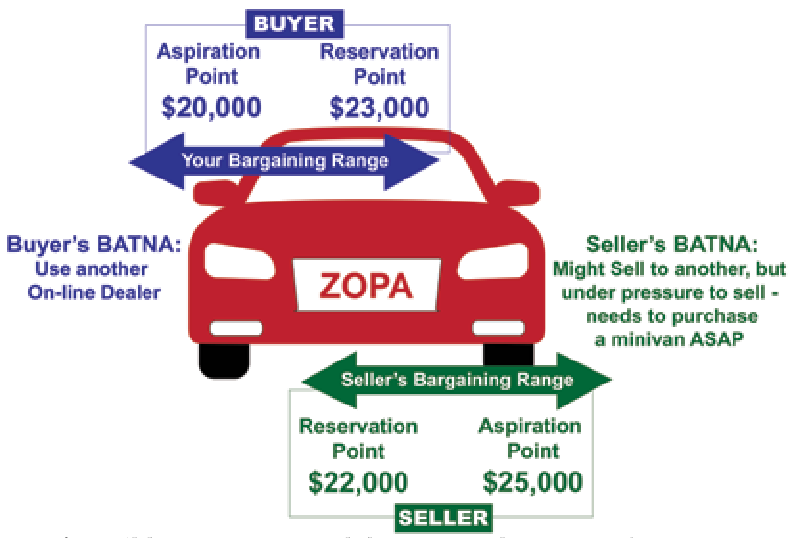

Figure 8. Zone of Possible Agreement and the car purchase. (Graphic courtesy of the AFNC.)

Settle Strategy Bumper Sticker:

"Let's just split the difference and call it a day."

Cooperative Negotiation Strategy

CNS description and key contrasts

CNS is the Air Force's adaptation of the integrative negotiation process known as interest-based negotiation.[14] CNS depends on each party's desire to achieve both a mutually satisfactory outcome while simultaneously managing the relationship. For CNS to work, trust must exist between the parties. Parties must share information and decision-making power and must suspend judgment during the option development phase.

CNS has the best potential to leverage shared interests into pathways to an outcome. The basic premise is that the "game" is not distributive, as in Insist. In CNS, there is a potential to integrate ideas and create new value for each party while building an enduring relationship that handles the inevitable problems that crop up during the agreement's execution. CNS is particularly effective in volatile, uncertain, complex, and/or ambiguous situations

(VUCA), such as the military environment, where the expertise to solve complex problems is usually distributed amongst the team members. Agreements in these complex situations must be reached with people and groups that are often very different: culturally, socially, politically, and so on. To get beyond the obstacles and arrive at an agreement, CNS suggests discovering and then focusing on the underlying, basic, and perhaps common (or even complementary or conflicting) interests behind each party's position. Out of these interests arises the ability to create more value through creative ideas. CNS proposes that two negotiators, working together, will build an outcome better than what either party could generate on their own.

Cooperative negotiators often do not have common interests yet can still arrive at a mutually beneficial outcome. Common interests are helpful in a negotiation but not required. Interests can be common, complementary, or conflicting.[15] A common interest between operations and maintenance might be safety. A common interest between a support operation and their higher headquarters (HHQ) is the efficient use of resources.

A complementary interest is an interest where there is potential for one side to achieve their interest without significantly affecting the Opposite's ability to achieve theirs.[16] See two examples of complementary interests below.

- Two Airmen are negotiating workspace arrangements. One Airman's interest is a larger shop area to accommodate the needed equipment while another Airman prefers a shop bench closer to some key teammates.
- Two Airmen arranging night vs. day shifts in a 24/7 operation. The single Airman wants some free time during the day to engage in mountain biking, while the other Airman has a family and wants to be home at night as much as practicable.

The bottom line to understanding complementary interests is that not everybody is interested in the same thing. Moreover, as much as negotiators would prefer to only deal with common or complementary interests, conflicting interests are often at the forefront because the need for the negotiation originated in the conflicting interests between parties.

Conflicting interests are evident when one party seems poised to achieve its desired interests—but only at the expense of the Opposite. As examples, conflicting interests exist when an employee and cash-strapped employer negotiate salaries. For the employee to gain in salary, the employer will lose at gaining their interest, which is controlling immediate cash flow. Another example of conflicting interests is when an HHQ levies a budget cut on a subordinate wing as the wing tries to execute the mission. It is easy to interpret conflicting interests as an irreconcilable situation. Sometimes these differences are so irreconcilable that the negotiation ends in a deadlock; however, conflicting interests may be reconciled if the negotiators do not try to change the Opposite's mind (i.e., convince the Opposite to give up on their interests) but rather work to change the Opposite's frame of mind.[17]

Changing the frame of mind can be as simple as changing time horizons. For example, in the salary conflict example above, the parties could modify the conflicting interest into a complementary interest. The parties could open a path to success if the employer shared information about the short-term cash flow issue while the prospective employee shared information about an upcoming debt obligation that is due in six months. Perhaps a higher salary is not possible today but a performance review with the potential for a salary increase in six months might meet both side's interests. Similarly, the traditional "do more with less" conflict that lies at the heart of many HHQ and wing conflicts may be addressed more effectively if the negotiation not only addressed budget cuts but also allows the wing to negotiate mission cuts, delays, and/or transfers as part of the process. In one particular example during a recent federal government sequestration, a HHQ and subordinate organization initially were at loggerheads over a budget cut. When the subordinate unit introduced the idea of postponing a series of nonmission critical inspections, the savings from this action significantly offset the impact of the budget cut. The supporting principle is to change the frame of mind behind the negotiation and attempt to turn conflicting interests into complementary interests. This concept of changing the frame of mind has the greatest potential for success when using the CNS process.

CNS TIPO Analysis

In assessing TIPO, the CNS may be appropriate when:

Trust: CNS requires a great deal of trust. Although process trust may be evident, personal trust is also critical, because CNS relies on parties sharing both information and power. In military-to-military situations, trust building may already be under way due to the nature of the military ethos. Business sector mentors observe that in the military, leaders assume trust due to the buy-in they have in their respective service's Core Values. As a contrast, they also comment that outside the military context, parties must earn trust due to the initial distrust that occurs in many business settings.[18] Likewise, Wharton School of Business instructors at the University of Pennsylvania observed that students from military backgrounds have a higher level of inherent trust in each other due to the strength of both the military value system and the emphasis on teamwork and mission success.[19] Based on these observations, in a situation where a military negotiator engages with a nonmilitary Opposite, it is advisable to pursue a more deliberate trust-building process because of the different perspectives on trust.[20] Checking the reputation of the Opposite, making small concessions and gestures to determine if the Opposite reciprocates, and/or meeting small obligations on schedules and agenda are good first steps in assessing trust in the Opposite. Leaders should seriously consider these steps when dealing with Opposites who do not internalize the depth and strength of the military's Core Values.

Information: The strength of trust between the parties drives the amount and quality of information exchanged. Strong trust allows for more reliable information exchanges. Full, unconditional personal trust could result in negotiators reveling deep secrets that they would never otherwise divulge. Similarly, process trust could also result in full disclosure, such as an institutional assurance that everything you say in a meeting would be confidential information and any public disclosure by the Opposite would result in punitive action. The lifeblood of CNS is extensive information exchange. With more information, parties gain better and deeper understanding of what the Opposite is thinking, what they value, and why they value it. With this understanding, parties can better (1) define the problem, (2) change frames of mind, and (3) delineate the available resources. By leveraging these three items, there is potential for creating multiple options.

Within CNS, there is a special opportunity to spend time exchanging information so that parties have a more complete picture of the problem. Western cultures, by nature, tend to rush into the solution process to appear efficient.[21] At times, this efficiency disregards the value of first accurately defining the problem. Efficiency is a positive attribute, especially for routine issues, yet has a downside when complex problems arise. Western cultures, as they strive to be efficient problem solvers, can begin the solution process too soon, giving short shrift to the problem identification and clarification process.[22] CNS offers an opportunity for parties to ask the other side for their perspective on the problem and the possible underlying issues that created this problem. With a better definition of what needs work, the chances for an answer that satisfies both sides is increased.

Power: With high trust, defensive mechanisms are less rigid and negotiators feel less vulnerable. The CNS environment is not contentious, as in the Insist strategy, but mutually supportive.[23] An effective CNS process relies on power sharing, also known as a mutual Power With arrangement. As an example of a Power With arrangement, you and a security forces (SF) expert are working an issue on access to restricted facilities on the base (in this example, you are not an SF expert). You have worked with this SF leader extensively and have an excellent trusting relationship. Because of this strong relationship, you fully anticipate that when he/she offers options and information, they are framed it in a manner that helps solve the mutually agreed upon problem, and not his/her personal agenda.[24]

Because high levels of personal and/or process trust lower defensive mechanisms, you and your Opposite can share power, in both the negotiation process and ultimately in selecting the option for implementation. At times, you may choose an option that more completely satisfies the Opposite's interests, knowing that in execution, you trust they will look out for your best interests if something unusual arises.

Options: Because negotiators are exchanging useful information, there is also an exchange of ideas. This helps build multiple ways to potentially address the problem. CNS works best when negotiators first create multiple options and then explore which of their original or modified ideas might best unravel the problem. Unlike the Insist strategy, where there is only "my way to solve my problem," CNS finds "our way to solve our problem." Ultimately, the negotiators must select an option as an outcome—that option came from a pool of likely options that were mutually developed.[25] Mutual development builds mutual buy-in.

Albert Einstein said, "If I were given one hour to save the planet, I would spend 59 minutes defining the problem and one minute resolving it."[26] Consultants charge significant fees as they help businesses do something they cannot seemingly do on their own. One consultant observes that most organizations do not heed Einstein's advice when tackling innovation projects. Most companies fail to define the problems they are attempting to solve and articulate why those issues are important. Lacking that rigor, organizations miss opportunities, waste resources, and end up pursuing initiatives not aligned with their strategies or that solve their problems.[27]

CNS Key Features

The following highlights concepts that are especially useful when operationalizing CNS. To help develop these concepts, we often contrast CNS with examples from the Insist strategy. The idea to use Insist as a contrast to CNS was intentional for two reasons. First is to dispel the notion that CNS is a kinder, gentler version of the Insist strategy—it is not. CNS requires a new tool set. Second, Department of Defense (DOD) leaders are familiar with the Insist strategy.[28] This is not an error. Military doctrine and training and the inherent nature of the military culture reinforce direct and decisive action; this is an essential and enduring element of a hard-power culture. Consequently, military leaders identify with Insist as a negotiating strategy, making it a firm basis for the comparison with CNS. This does not discredit using the Insist strategy or the need for a hard-power culture; every one of the five negotiating strategies has its time and place. For example, in certain situations your "interests" drive your strategy selection, such as using the Insist strategy in a crisis. In other situations, your interest is for the Opposite to "have it their way" (using the Comply strategy to help build a relationship).[29] The seven contrasts follow.

Contrast 1: CNS changes negotiation from a "contest of wills" to a "search for solutions."[30] By focusing on the problem, especially the underlying interests, while actively managing the relationship, CNS guides you to treat disputes and issues as a cooperative problem-solving process rather than a contest of wills and personalities. Instead of it being a race of whose solution "wins," the effort isolates the problem through mutual discovery and then identifies, categorizes, and prioritizes the interests as a lead-in to option-building. Categorizing interests (**psychological**, **procedural**, or **substantive**) helps shape the negotiation's option development. Prioritizing interests is a unique CNS feature. By having negotiators prioritize interests, it informs both parties as to what is important and what is tertiary. There is a secondary, critical side benefit of prioritizing interests. Later in the negotiation, the prioritized interests are useful as selection criteria. The option best supporting both sides' top interests is a natural candidate for selection as the outcome. CNS shifts the negotiation dynamic away from a contest where negotiators arrive at the meeting to make demands and expect concessions, to a genuine search for solutions where both parties attain their interests.

Contrast 2: CNS not only focuses on the problem but also simultaneously works to *actively manage* the relationship.[31] In a negotiation, developing a friendship is not the goal. You do not have to like your Opposite; however, you need to respect them and they need to respect you. Respect helps develop trust, which helps open communication channels for information exchange on interests and priorities. By framing this search as a cooperative venture between respected professionals rather than a competitive rivalry between antagonists, it shifts the negotiation dynamic away from an Insist frame.[32] Wearing down the Opposite by either requiring acceptance of a demand or calling for concessions from the weaker side is not part of CNS.

In the military context, actively managing the relationship presents challenges. It is one thing to say in the business world that you need to negotiate a delivery date and manage the relationship during that negotiation. It is quite another matter for two military leaders—who at one time were engaged in kinetic conflict—to easily see eye-to-eye on a matter such as security or building partnerships. Actively managing the relationship means:

1. Paying attention to what they say and do and what they do not say and do.
2. Pacing the negotiation so the Opposite is supportive of the progress being made.
3. Being aware of and addressing, rather than ignoring, nonverbal cues. For example, if you propose an idea and the Opposite crosses their arms and/or rolls their eyes, engage them with a nonthreatening comment, something like, "I think you have some doubts with this idea. Help me understand what they might be." Also, pay attention to what they are saying. If their proposal is clearly out-of-bounds, ask questions as to why they offered 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 created this idea?"

4. If there is a lull in progress, rather than ignoring the Opposite's disengagement, actively include them to help get the process back on track. Use CT questions. The following are CT questions to help reengage the Opposite:
   - "What is the next step?"
   - "What do we need to readdress?"
   - "Tell me what you think we have accomplished so far?"
   - "Tell me what you think we missed?"
   - "If you could change one item, what would that be?"
   - "What is the best idea you see on the table?"
   - "What is the weakest idea you see on the table? How would you improve it?"
5. Be aware of the Opposite's social and task expectations. Some cultures are task focused, completely separating the task from any social engagement; others first complete the task and then engage in social affairs. Some cultures fully integrate the two, where the social aspect is as essential to a good negotiation as is the task aspect.

For example, a traditional German approach to a negotiation considers social events and a negotiation as separate entities. Germans generally do not talk about the negotiation during a social event and prefer a more structured approach to the actual negotiation, with a strong task focus during the meetings. In contrast, other cultures, such as Middle Eastern and African cultures, consider the social process as integral to a negotiation. Expect many discussions occurring away from the official negotiating table. The classic French approach to a negotiation makes the social aspect a key feature of the negotiation process. Exhibiting the style and substance of French culture and cuisine throughout the negotiation is integral to their process.

> The following is a historic example of managing relationships in a difficult setting. Extending simple military protocols and courtesies, even for antagonist parties, is part of actively managing the relationship. History has many examples of warring parties meeting to create the terms for stopping a war. During those meetings, the parties are definitely not friends; however, simple courtesies tend to facilitate the difficult process. When Japan surrendered to end World War II, Japanese foreign affairs minister Mamoru Shigemitsu and a party of senior Japanese officials boarded the USS *Missouri* to sign the documents. General Marshall extended basic protocols to the signing party. While most of us will never host a defeated enemy on a battleship, we can appreciate that even in these tough situations, warriors worked to manage the relationship.

Contrast 3: CNS discovers and manages the underlying interests: CNS recognizes that the parties' underlying interests are at the heart of most disputes. In a CNS negotiation, it is more important for the parties to know *why* they want something rather than focusing on *what* they want. The interests are the underlying desires, values, concerns, fears, and limitations that underpin each sides' posture (position). CNS is not self-centered. It requires parties to discover their own interests *as well as* uncovering and understanding the Opposite's interest(s). The completion of the discovery process is when negotiators categorize and prioritize the interests of both sides.

Photo 1. Gen Douglas MacArthur: Opening comments at the Japanese Surrender Ceremony (Photo courtesy of the Naval Historical Center.)[33]

Photo 2. Japanese contingent arriving for Surrender Ceremony, USS *Missouri*. (Photo courtesy of the Naval Historical Center.)[34]

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This story illustrates how discovering and managing interests helps improve the negotiating process. A federal civilian employee filed a formal complaint due to nonselection for promotion. In the complaint, the employee cites that he believed the system was unfair and biased. Before the discovery process, management assumed the employee was upset because he did not get the pay raise associated with the anticipated promotion. A pay raise is a substantive interest. However, the employee was not upset by the lack of a pay raise, he was upset because he thought the process was unfair (a procedural interest). During the first round of discussions, management offered some money; the employee rejected the offer. The employee did not reject the monetary offer because it was not "big enough"—he rejected it because a monetary offer would not fix the problem as he saw it. He perceived a broken system; his interest was fixing this broken system.

An observant negotiator changed the frame by asking the employee the following: If we had a third party review the process to assess its fairness, one of three outcomes are possible. First, the process is fair. Second, the process is flawed, but it did not affect the nonselection. Third, the process is flawed and it affected the nonselection. The employee agreed to the third-party review. The parties also agreed to meet as soon as the review was finished. The employee liked this new frame because it met his top interest: determining if there was a flawed process. The review concluded that there were minor procedural flaws, but it did not affect the employee's nonselection. The complaint was resolved once management corrected the flaws. Note: As it turns out, the parties concluded without a request for nor the award of any money[35]

Contrast 4. CNS allows for solutions based on interests rather than positions, be they common, conflicting, or complementary: CNS recognizes that parties often have common interests that facilitate a negotiation. In a military negotiation, common interests might be quality training, safe operations, standardization, mutual support, or efficient contract administration.

However, often parties have conflicting interests, priorities, preferences, and organizational needs. This situation is not a reason for despair but rather an opportunity for complex problemsolving. Understanding these different interests may help improve the development of options as innovative solutions because the brainstorming has a focus on the priorities that each party has shared with the Opposite.

This process is similar when it comes to identifying complementary interests. An example of a complementary interest is when managers get together to negotiate potential bonuses for their star performers. Not everyone values bonuses identically; some might prefer a monetary bonus, and some prefer time-off awards.

There is a negotiation between maintenance and operations over the inspection schedule for a wing-level resource. The two organizations have a common interest—safe and efficient operations; however, there are also competing interests. The maintenance unit was in conflict with operations over the periodic inspection timing. Maintenance initially asked for a "smooth flow" with the equipment arriving for inspection at about the same number each month. Further, the fleet's "use rate" was seasonal, with the highest "use rate" coming in the summer months. The operators wanted to send fewer units through inspection in the summer and more in the late winter and spring. This schedule would beefup the fleet for the busy summer months. Maintenance initially balked at this counterproposal, until their training section came up with a game-changing idea that reframed the negotiation. Their proposal addressed the complementary interests of both sides. They proposed to on-board their new maintenance technicians in the summer months, when the operators wanted fewer inspections. With a less hectic pace, the trainers could take more time during each inspection to thoroughly train the incoming technicians. Currently, new technician training was sometimes sporadic and came in second place after scheduling the inspections. The line maintainers were complaining that they were doing on-the-job training of their new technicians, as they did not always get to the job site with everything they needed to "jump right into the job." The maintainers believed that having more fully trained incoming technicians would make the proposed "surge" in late winter and spring a manageable challenge. The point is that each of these parties had initially conflicting interests, but with some Active Listening (AL) to each other's concerns, some reframing, and some CT, they were able to meet multiple interests with an elegant solution.

This illustrates the value of searching for options based on prioritized interests. It reframes the negotiation from a pattern of reluctant concessions to a genuine problem-solving effort to find the best solution that is most likely to meet the parties' differing priorities and needs.

In another example, a systems operator's position might be to demand a fully mission-capable device. Conversely, the system maintainer's position might be to provide minimally-capable equipment, based on his/her severely constrained maintenance manning and parts inventory. However, both are interested in executing the mission (this is the underlying common interest). In exploring options, the two teams may develop an option to generate a partially capable device (meets the maintainer's interest of resource conservation), but capable enough to meet the mission requirements (meets the operator's interest of getting that day's task done).

To illustrate a strategic example of how interest-based negotiation has more potential than positional negotiation, refer to the sidebar on the Camp David Accords. In this example, the Egyptian and Israeli positions were irreconcilable, but once they discovered and shared their interests, a durable solution became feasible.

Figure 9. Sinai Peninsula. (Photo courtesy of National Aeronautics and Space Administration.)

Camp David Accords:

After the 1967 Arab-Israeli war, Egypt forfeited the Sinai Peninsula as the victorious Israeli forces occupied the 60,000 kilometers (km)² (23,000 square miles) of desert (see fig. 9). For almost a decade, the two antagonists attempted to reduce tensions through talks, but their hardline positions resulted in impasse after impasse.[36] The following is a very simplified recounting of the history, yet it serves to illustrate the potential of focusing on interests rather than positions.

In the years after the war, Egypt underwent a political realignment and was moving away from Soviet influence. Egypt wanted a stable agreement with Israel but it also had a strong position. Egypt's position: They would consider a peace treaty only if Israel first returned control of the Sinai to Egypt. Israel, having nearly lost the 1967 war, refused to let go of the Sinai, as the Egyptians used this territory to mass their surprise attack. The two sides were deadlocked for years. At Camp David, Pres. Jimmy Carter took on a de facto role of a mediator for Egyptian President Anwar Sadat and Israeli Prime Minister Menachem Begin. He and his staff helped the two parties discover the *why* behind their *what*.[37] Israel's interest was security; it wanted to keep the Sinai as a buffer zone to prevent another surprise attack. This interest is a combination of a substantive and psychological interest. Egypt's interest was that it wanted the return of the Sinai to preserve historical integrity. The Sinai had been part of Egypt for thousands of years. The Sinai did not offer much substantive benefit; it had little arable land and no valuable natural resources such as oil, gas, or minerals. The return of the Sinai to Egypt met a psychological interest. With interests revealed, the parties worked ideas that would support their interests, but not necessarily their positions. In the end, Israel agreed to return the Sinai, but only if the peninsula remained demilitarized. Police forces were permitted, and "no more than one division (mechanized or infantry) of Egyptian armed forces will be stationed within an area lying approximately 50 km (30 miles) east of the Gulf of Suez and the Suez Canal." Essentially, Egypt could not move anything that would signal a military action. Since trust was tenuous between these parties, process trust was also part of the solution. A third party agreed to monitor the Sinai, ensuring it remained demilitarized. Had the two sides stuck to their positions, the impasse might still exist today; however, based on revealing interests, they achieved a reasonably durable solution.[38]

Photo 3. Camp David Accords signing ceremony. (Photo courtesy of the US National Archives and Records Administration.)

Contrast 5: CNS recognizes that information sharing depends on CT and AL. An Insist strategy requires no AL skills and only sufficient CT skills to define and defend one's own position and find ways to discredit the Opposite. CNS fully leverages AL and CT. These skills help parties understand the Opposite's perceptions, interests, priorities, and possible options. In CNS, sharing information and thinking critically to better understand the information are in sharp contrast to the tendency to withhold and manipulate information that characterizes the Insist strategy.

Contrast 6: CNS creates multiple ideas (expanding the "pie").[34] An Insist strategy creates a battle of wills rather than a meeting of the minds. In the Insist strategy, the negotiator's solution is the only option and they are not considering any other ideas. In contrast, CNS allows parties to conceptually sit side-by-side in a search for value-creating opportunities. By focusing on expanding the outcome field and creating as much value as possible, the subsequent division of the expanded pie becomes more reasoned and logical, because both parties had a direct hand in the creation of the outcome and avoided the manipulation and deception often associated with hardball negotiation tactics.

For example, in a deployed forward operating base (FOB), a coalition leader was negotiating with a local vendor for water deliveries. The local vendor was trustworthy and had a good reputation, yet the negotiation stalled. The vendor related multiple stories about his family and his village. He also explained the difficulties in harvesting and moving their fall crops into storage. He claimed their only truck was damaged beyond repair by coalition action. The vendor's position was caring for his family and village while the coalition leader's position was getting a water contract. By using CT and AL, the coalition leader negotiated with the vendor. He discovered that for a few extra liters of diesel fuel, he could provide the vendor access to the empty space on the trucks as they drove from the FOB to the water pick-up point. The vendor's workers then loaded the crops on these empty trucks as they made their way to pick up the next shipment of water. Reciprocating, the vendor sold the water at a highly discounted rate. Both sides got what they needed, a win-win outcome. Had either party stuck to their positions and used the Insist strategy, a solution might prove impossible.[35]

Contrast 7: CNS creates the selection criteria as part of the discovery process. In the Insist strategy, there is no need for selection criteria; there is nothing to select. The Insist strategy only considers one outcome, the outcome favored by the most powerful negotiator. In CNS, once parties use divergent thinking to expand and create possible options, the negotiators must divide the pie they created using convergent thinking and distributive tactics. Where the Insist strategy relies on posturing from the negotiation's outset to divide the treasure, CNS asks parties to find standards that justify the inevitable divvying-up that occurs at the end of the process.

Outside the military, several standards can serve as selection criteria. Standards such as Edmunds.com for transportation and Zillow.com for real estate are useful tools. Many other markets have catalogs establishing fair market value for everything from jewelry, antique furniture, collectables, to medical procedures. Outside agencies can also rely on legal, legitimate, or industry-standard precedent as potential selection criteria.[36] In contrast, selection criteria are problematic in the military because there are no benchmarks like an Edmunds or Zillow for military decisionmaking. It is suggested military negotiators select the option best meeting the negotiating party's prioritized interest(s). This has the secondary benefit of getting parties to reveal *and prioritize* their interest(s) early in the negotiation, since they will use those prioritized interests later as selection criteria.

Revealing interests involves now familiar concepts: trust building, power sharing, and information exchange using CT and AL. How do you prioritize the interests once revealed? Below are some techniques:

1. You can initiate the interest prioritization process by revealing what is most important to you. "Here's what I am most interested in" or "My top priority is." You can follow with, "Tell me what is most important to you." And always ask the follow-up question, "Why do you consider that the most important interest?"

2. If the Opposite reveals multiple interests, you can ask follow-up CT questions to help them prioritize. If they reveal only one interest, you may ask them, "Is this the only important item for you?" or "Is there something else that is key, but not as important to you?" Asking *why* is the important follow-up question that will help add context and understanding to their priorities.

3. If the Opposite has a long laundry list of interests, ask clarifying questions to help limit the size of their list. Ask, "If you could only pick one, which interest is most important to you?" or "Which one would you choose and why?" If they cannot identify a top priority, ask them what their top three or four interests are. Later in the negotiation, as you are building options, go back to those three or four interests and ask them, "In light of these possible solutions, how does that help you prioritize what's most important to you?"

CNS is an involved process, with many considerations and steps. However, it is the best at creating enduring outcomes and strengthened relationships. It is the best negotiating strategy to leverage a trust-management process.

CNS Example

An Air Force squadron tasked with a weapons test and evaluation mission had a tough situation. The squadron had plenty of work and adequate equipment but was also severely undermanned in several key areas. This prevented mission accomplishment. Given that the personnel system could not respond to the unit's short-term needs, any Insist-style demands of the personnel system would be fruitless. Using CNS, the squadron commander searched for complementary interests within the Air Combat Command community—active duty (AD), Air National Guard (ANG), and AF Reserve (AFRES) squadrons—and discovered there were several units with plenty of key operators (pilots, weapons system operators, munitions maintenance personnel, etc.); however, they were short on funded flying hours and available training weapons. They, too, knew that resources to fill these shortfalls through traditional channels were not on the near-term horizon. Despite the resource shortage, these units still had readiness needs and were struggling to meet them. Some had missed their readiness requirement goals. Negotiating with these units, the commander matched up the complementary interests. The host squadron's interest (test and evaluation of live weapons) complemented the other squadron's interest of getting required live fire training. The result: key personnel from AD, ANG, and AFRES squadrons traveled to the host test and evaluation squadron. The host matched crews and missions to accomplish both readiness requirements and test and evaluation needs. It took some innovative crew and equipment scheduling as well as some additive training and orientation, but in the end, they came up with a mutually beneficial solution that none of them could have done had they tried to solve their problems on their own or through traditional staffing channels.[37] See appendix 6 for a worksheet to plan and apply the CNS.

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

Matrix of Negotiating Strategy Combinations

A benefit of knowing the five strategies is it helps you determine which strategy is best for your situation. Just as important, since you cannot direct the selection of the Opposite's negotiating strategy, knowing the five strategies helps you estimate what strategy the Opposite might use on you. The various combinations of your strategy and theirs create a matrix. Figure 10 below provides insight on what might happen with each combination. A useful application of this matrix is where you have an idea of what the Opposite prefers.[38] With that knowledge, you enter the matrix with the Opposite's strategy and see the potential impact of any strategy you might use. For example, if you know the Opposite loves the Insist strategy, and you know that in the upcoming negotiation you have overwhelming expert power, it may steer you to choose the Insist strategy if you must have your outcome and you can tolerate the damage to the relationship. This is a form of reverse engineering.

YOUR STRATEGY \ OPPOSITE'S STRATEGY	EVADE	COMPLY	INSIST	SETTLE	COOPERATE (CNS)
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 Oppostie'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 potentiall for each side gaining their most critical Interests in a mutually agreed on solution.

Figure 10. Negotiation strategy matrix. (Graphic courtesy of the AFNC.)

Notes

1. Cialdini, *Influence: Science and Practice*, 19–20.

2. Author's 30-year AF active duty experience. Overbearing leaders who only applied a heavily competitive version of Insist (branch 1) had the execution of their agreements/decrees falter due to a lack of sustaining power.

3. From a discussion with a major command commander (MAJCOM/CC) on his perspectives on the need for directness in decisionmaking. Included in the discussions during the Air University sponsored Group Commander's Course, August 1996.

4. As related to the author in 2014 where the first sergeant was directive in his actions to a crisis, but promised the Airmen a revisit once the "dust had settled." A year later, no revisit occurred as the first sergeant transferred. This reputation followed the former first sergeant to the next assignment.

5. From a discussion with a MAJCOM/CC on his perspectives on the need for directness in decisionmaking. Included in the discussions during the Air University sponsored Group Commander's Course, August 1996.

6. Based on a hyponatremia fatality during Air Force Basic Military Training, August 1999.

7. Mayo Clinic, "Hyponatremia."

8. In this scenario, no DOD agency had established procedures concerning hyponatremia. This incident established new processes for addressing safety procedures when encountering hyponatremia.

9. Lewicki, *Essentials of Negotiation*, 42–47.

10. Although these television programs are scripted, they do provide illustrations of how to possibly use the concepts descried in is guidebook.

11. Jeong, *International Negotiation Process and Strategies*, 109.

12. Blaker, Giarra, and Vogel, *Case Studies on Japanese Negotiating Behavior*, 4–12.

13. Cohen, *Negotiating Skills for Managers*, 163–64.

14. Fisher, *Getting to Yes*, 41–57; and Ury, *Getting Past No*, 17–19.

15. Bercovitch, *Conflict Resolution in the Twenty-first Century*, 27; Cohen, "Fighting Fires Without Burning Bridges."

16. Lax and Sebenius, "3-D Negotiation."

17. Harvard Business Essentials, *Negotiation*, 63–65.

18. Unattributed interview with a chief financial officer of a major US corporation, July 2006; and unattributed interview with an Airline Pilots Association (labor union) member, April 2014.

19. University of Pennsylvania, "Negotiate with Confidence," Wharton School/Aresty Institute of Executive Education Executive Negotiation Workshop class notes. https://executiveeducation.wharton.upenn.edu/for-individuals/all-programs/executive-negotiation-workshop.

20. Unattributed interview with a senior sales manager of a major retail operation, July 2010.

21. Fells, *Effective Negotiation*, 108–9.

22. Ibid.

23. Nierenberg and Ross, *Negotiate for Success*, 10.

24. Unattributed interview with a former support group commander, December 1999.

25. Fischer, *Getting to Yes*, 58–83; and Slavik, *Seven Elements of Effective Negotiations*.

26. Spradlin, "Are You Solving the Right Problem?"

27. Ibid.

28. This observation is suggested due to the AFNC's use of a Negotiation Center of Excellence (NCE) developed CD-based exercise where participants voluntarily revealed their NSC preference. The CD was available as part of the coursework for many AFNC sponsored seminars, workshops, and courses.

29. These contrasts were developed as part of an AF General Counsel office intern's research efforts on negotiations in 2010.

30. Fisher, *Getting to Yes*, 13–14.

31. This is a deliberate contrast to Fisher and Ury's concept of "separating the people from the problem." In many cultures, negotiators cannot or will not separate the emotional component of the negotiation from the rational component. Military leaders must be ready to adapt to this condition.

32. Bazerman, *Negotiating Rationally*, 31–41.

33. Photograph aboard the USS *Missouri* (BB-63), 2 September 1945. Photographer is Lt Barrett Gallagher, United States Navy Reserve. https://www.thehistoryreader.com/.

34. Ibid.

35. AFNC supported mediation in 2013. Names and location redacted to protect confidentiality.

36. United States Department of State, "1967 Arab-Israeli War."

37. Kriesberg, "Timing and the Initiation of De-Escalation," 226.

38. Fisher, *Getting to Yes*, 42-43; and United States Department of State, "Camp David Accords and the Arab-Israeli Peace Process."

39. Fisher, *Getting to Yes*, 56-80.

40. Unattributed interview with a returning Air Force deployed Airman, Summer 2010.

41. Cohen, *Negotiating Skills for Managers*, 172-73; and Fisher, *Getting to Yes*, 84-98.

42. Unattributed interview with the squadron commander, October 2017.

43. McRaney, "Maslow's Hammer."

Chapter 8

Negotiating Pitfalls Common to any Strategy

Below are some pitfalls that might derail any negotiation. Keep these in mind when you negotiate.

Not Fully Applying Critical Thinking and Active Listening

One of the best ways to persuade others is with your ears—by listening to them.

Dean Rusk [1]

Military leadership relies on quick, decisive action. Training and repetition conditions leaders to make decisiveness second nature. Analysis of best practices in responding to situations helps reinforce the model of quick, decisive action. Leaders cannot abandon this skill; however, when novel situations present themselves, leaders must engage in more Critical Thinking (CT) and Active Listening (AL). Not engaging these skills in novel situations might lead you to apply a conditioned response to a new situation, which may result in one or more of the following:

- Weak problem identification
- Confusion
- Prejudice
- Groupthink
- Failure to learn
- Thoughtless critique
- Poor decisions
- Wasted resources[2]

Neglecting the Opposite's Perspective

Another mistake is to focus only on your problem. Although not key to the Evade and Insist strategies, it is useful to understand the problem from the Opposite's perspective. You may not need or want to act on that understanding but you should still make the effort. Since humans are generally self-centered—the Sys1 survival drive makes this a natural preference—it is easy to disregard the Opposite's perspective. Being considerate takes a deliberate effort. Always put yourself in the Opposite's situation and gain empathy on what they really need out of the negotiation. An experienced negotiation mentor once said, "If you want to change someone's mind, you should first learn what they are thinking."[3] Empathy does not mean accepting their perspective, but with empathy, you build a bridge spanning from their current position to your envisioned end point while taking into account their needs as you build their bridge.[4] The best tool for this process is AL and then following up with CT questions to deepen and clarify your understanding of what they want and why. This helps you shape how you communicate your idea so instead of pushing them across the bridge, they see what they want is on the other side of the bridge you just built for them and they readily cross the bridge with you.[5] As an example, if you discover the Opposite has only psychological interests, this should help you shape the option-building process. Your options need to address your needs but also incorporate the Opposite's psychological needs. Something as simple as telling the Opposite they have earned all the accolades for the agreement will help close the deal. Another example: showing the Opposite how much influence they had in shaping the final proposal gets them to realize their strong role in the process and makes them more prone to agree because they see how much of them is represented in the terms. Small considerations can have big impacts.

Letting Your Position Drive Out Your Interests

You, like anyone else, have a built-in bias towards negotiation. You like to concentrate on your *position* rather than spending time considering your deeper *interests*.[6] Sys1 thinking drives you to grab a "good enough" solution so you can move on to the next problem. The military culture, which naturally values a leader who grabs a problem and immediately develops a solution (a position), reinforces the preference for a more position–based negotiating approach. Additionally, when you develop a position, you follow human nature and attach significant value to this position. Ego becomes involved in first accepting the position and then defending it when the Opposite scrutinizes your position. Ego plays an additional strong role because your position is your best idea. If it were not your best idea, you would not accept it and search for another best idea. Have you ever presented a "second-best" idea at a staff meeting? Probably not. So, when your Opposite scrutinizes your "best idea," your ego interprets the scrutiny as a personal attack and initially kicks you into a defensive posture. Like bias, this is human nature. You cannot eliminate it, but you can deliberately manage it. Those who do not manage it have left deals on the table to protect their wounded ego, even though taking the deal would make them better off.[7] Ego is emotional and linked with Sys1 processes; work to keep your negotiation within the Sys2 processes where logic, reason, and facts predominate.[8]

Another way ego keeps you from achieving your interests is when you build a position based on limited information. Similar to the above, once you have a position—even a weak position based on incomplete information—it is human nature for your ego to value and defend it. So when new and critical information comes out during the negotiation, if you do not control your ego, it will work to discredit the new information unless you manage it. There is legitimacy in the saying, "My mind is made up. Do not confuse me with the facts."[9]

For example, you levy a suspense on a staff package (a position) to a subordinate unit without good insight of when your higher headquarters (HHQ) needs the package. Subsequently, the subordinate unit emails you providing new information they got from HHQ and suggests a delay could help them get you a better product. Even though your interest in quality staff work is identical to everyone else's interest, your ego is reluctant to adjust the original suspense (your position) even if it would result in better staff work (your interest). Paraphrasing the Dalai Lama, you tend to learn more when someone else talks. If you are talking, you are usually repeating what you already know.[10]

Searching too hard for common ground

We negotiate to overcome differences between people. As team-oriented leaders, we work for win-win agreements by finding common ground, a laudable goal. However, some of the most frequently overlooked sources of value in a negotiation arise from not finding something in common but finding something genuinely different. Remember, in difference there is strength.[11] Understanding that you and your Opposite approach problem-solving differently (attitudes toward risk, saving face, time, control over the future, allegiances, priorities, preferred outcomes, etc.) is at least as important as identifying areas of common ground. Remember the water vendor example. The parties found a solution not because they ignored the different priorities but because they explored how to link the differences into a coherent solution. The same goes for the example between operations and maintenance concerning fleet inspections. Sometimes cultural or generational factors influence the perspectives. For example, when it comes to work, baby boomers have more substantive interests in what makes their job meaningful, such as pay, benefits, status, and so on. Although millennials appreciate paychecks as well, they also have significant psychological interests such as flexibility in work schedules, more access to supervisory feedback and advice, and open (collaborative) workspaces.[12]

Neglecting the Best Alternative to a Negotiated Agreement

Your top priority in any negotiation is to know your Best Alternative To a Negotiated Agreement (BATNA) and estimate the Opposite's BATNA. Know and protect your BATNA; see if there are ethical ways you can weaken the Opposite's BATNA. The better your BATNA appears to you and especially your Opposite, the more leverage it provides.

How do you weaken an Opposite's BATNA? One way is to leverage overconfidence bias to weaken their BATNA.[13] Overconfidence bias proposes that a person has more subjective confidence in the accuracy and reliability of their decisions than reality warrants. People tend to miscalibrate facts and overinflate value in their favor. This is a standard tactic in the auto industry when car owners negotiate their trade-in. Invariably, they value their trade-in (their BATNA, as they can break off the pending new car deal and drive off in their current used car) more than it is actually worth. How does the dealer weaken the car owner's BATNA? By introducing doubt. Dealers do a "courtesy safety inspection," pointing out the numerous flaws, usually on a standardized form or computer printout. They point out worn tires with authoritative numbers, like 7/32 of an inch tread depth, historic fault codes displayed by the car's computer, leaking fluids, worn brake pads (again with authoritative looking numbers like 23 percent), and of course, the clouded headlight lenses. They follow up with comments about their extensive maintenance challenges with similar cars (this model tends to have transmission problems at XYZ miles, etc.) and then casually ask if you are planning a cross-country family adventure as they point out all the advantages of their new car.

Similarly, in the military context, you can introduce doubt, especially if you can introduce information or a scenario the Opposite had not considered. For example, a few decades ago, the Air Force was considering a new training system.[14] Negotiations were ongoing between the Air Force and a potential contractor. The contractor was making ambitious claims about their proposal, and some hardline Air Force decision makers threatened to execute their BATNA if the contractor did not relent on some of their claims. The contractor did not relent. The Air Force decided their BATNA was so strong, they were going to present it and force the contractor to relent. The BATNA was removing, refurbishing, and then reinstalling the current system. However, the contractor was thoroughly prepared and knew that a single, key component for the current system was no longer available, either in new/old stock or remanufactured. To retool the manufacturing line for this single part was impossible, as the entire industry had moved away from mechanical fuel management technology to digital technology. They carefully revealed this information to the Air Force, significantly weakening the Air Force's BATNA.

In the military environment, there is a unique circumstance affecting your BATNA. Often, you will not have a great BATNA; mission failure is simply not an option you can execute. Also, you are significantly limited in your ability to leave the current negotiation and work with another party. In short, if you do not like your current service partner, coalition member, support group commander, or major command/headquarters Air Force office, you rarely can choose to "pick up" and find a different negotiating Opposite. Similarly, your Opposite is in the same situation. Mission failure is likely not an option for them. This is a point you should leverage. If you are at a negotiation impasse, a conversation between you and your Opposite about your mutually constrained BATNAs can be a motivator. Something like, "We've made so much progress, but we are hung up on this item. I do not want to go back and tell my boss we could not work this out. How do you think your boss will react if you tell them the same thing?" Virtually all military cultures value mission success, so the idea of failure and losing the respect and support of their senior leader might motivate the Opposite to work more closely towards a solution.[15]

Failing to Make Negotiating a Highly Deliberate Process

It is human nature. All negotiators have preferences. Military negotiators have a well-developed preference for solving problems quickly. This bias is the reverse of what many negotiating processes need; negotiations really benefit from a less automatic, more deliberate effort. Deliberate planning, deliberate interactions with the Opposite, deliberate adherence to the process of a selected strategy, and deliberate reevaluations while negotiating are all process functions that will help increase your chances of a successful outcome. Finally, the choice to change strategies as the context changes should also be deliberate. Slow your processes down until you have developed, through repeated practice and evaluation, confidence and proficiency in your negotiating skills.

Notes

1. https://www.brainyquote.com/authors/dean_rusk.
2. "Risks Associated with Weak Critical Thinkers"; Gerras, *Thinking Critically About Critical Thinking*; and Facione, "Critical Thinking."
3. Unattributed interview with an Air University PME commandant, October 1991.
4. Ury, *Getting Past No*, 108–16.
5. Ibid., 186.
6. http://www.thinkexist.com/English/Author/x/Author_2573_1.htm.
7. Dubois, "How To Handle High-Pressure Negotiations"; and PON Staff, "Checking Your Ego."
8. Goudreau, "The Secret Art Of Negotiating."
9. "Quote Investigator: Exploring the Origins of Quotations." Quote is attributed to Roy S. Durstine in the periodical *Advertising & Selling* (1945).

10. "Goodreads Quotable Quotes." Attributed to the Dalai Lama XiV.

11. "Song Lyrics: Know the Words." Lyrics from the song titled, "Overlap" attributed to American singer and songwriter Ani Difranco. "I know there is strength in the differences between us and I know there is comfort where we overlap."

12. Air Force Negotiation Center, "AFNC Research Support, Research and Outreach Program."

13. Dobelli, "The Overconfidence Effect"; and Prentice, *Ethics Unwrapped*.

14. The identity of the system is irrelevant to the discussion and omitted intentionally.

15. The author found this tactic useful when negotiating training programs with allied military organizations. Most of the opposites did not want to inform their senior officials that they could not get to an agreement—especially when a successful agreement would bring that senior official tremendous prestige.

Conclusion

An Internet search returns millions of hits for articles, books, self-help guides, as well as $10,000 seminars to help improve your negotiating skills. This guidebook gives you the fundamentals; what you absolutely need to know and what to do before, during, and after a negotiation. Below are some takeaways to reinforce the key points:

1. 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 avert or work problems. As with anything in life, a little bit of planning goes a long way.

2. If you only have time to do one thing, always know your Best Alternative To a Negotiated Agreement (BATNA) and protect it. If possible, estimate your Opposite's BATNA and find ways to weaken it. In a military environment, you can motivate the Opposite to stay in the negotiation by revealing their weak BATNA.

3. If you have time to do two things before a negotiation, do the above and a Trust, Information, Power, and Options (TIPO) assessment. It will give you a hunch on how to proceed. Know the two types of trust, process and personal. Work on building trust your Opposite values. During a negotiation, use TIPO to reassess the context. You can also use TIPO to reverse engineer and estimate the strategy the Opposite might be using on you. Remember, TIPO is key because trust drives almost everything in a negotiation. If you have power, make a deliberate decision on using that power *Over* or *With* your Opposite.

4. If you have time to do three things, do the above, and work through the appropriate negotiation planning worksheet. If circumstances allow, try the Cooperative Negotiation Strategy first.

Appendix A

TIPO and Negotiation Worksheets Introduction

This section on worksheets helps you apply the presented concepts. Because strategies vary considerably in planning and application, there is a worksheet for each strategy. Use them to plan, execute, and then debrief your negotiation.

A caution for all negotiators: After reading this section, it is easy to envision a negotiation as a linear process—just plan, meet, discuss, propose, bargain, and then close the deal. Simply treat the worksheet as a checklist and every negotiation will lead to an agreement and then a hot wash/celebratory beverage. That is fiction. There are no checklists, rather this guidebook presents worksheets that help organize your brain for the cyclical and fluid process that is real-world negotiations.

Each negotiation is different. One day, you have a simple issue and quickly get an outcome. On other days, you might do a detailed trust, information, power, and options (TIPO) and planning worksheet, only to have your Opposite put you off balance with an approach you did not anticipate. You have two choices for a response. You can either surrender or take a break. During the break, you deliberately cycle back, redo the TIPO, reconsider your strategy, do the appropriate planning, and then re-engage. Most negotiations are a fluid and iterative process. You will make constant adjustments. To leverage what you have learned, use the following materials as a base and then customize, adjust, and rework as your situation unfolds. This section's purpose is to *slow down* your brain so that you can *adapt and respond* to the conditions as they happen in a negotiation and minimize *reacting* to the situation. Good luck!

Some "Always" Advice

1. Negotiate when it makes sense. Practice makes you better. However, do not negotiate if your current alternatives are better than anything you hope to gain from a negotiation.
2. If you choose to negotiate, determine what outcome you seek (solve, cope, or treat). Make sure it matches your Opposite's anticipated outcome. Otherwise, adjust the expectation or opt to evade the negotiation.
3. Be professional and respectful, yet firm. Always stick to your ethics—never lie.
4. Do not negotiate with an unethical opposite unless the mission imperative requires it. If this condition exists, seek advice, guidance, and limits to what you may to do in your specific situation.
5. Do a TIPO
6. Confirm the role of the Opposite; are they *the* decision maker or the decision maker's representative? Trying to get an agreement out of a representative is fruitless.
7. When negotiating on behalf of an organization, you have two negotiations. First, negotiate an internal consensus on the organization's needs. Without internal consensus, you will not know your organization's positions and interests. Aim to get the support you

need, the trust you need, the resources you need, the understanding you need, and the freedom you need to negotiate on the organization's behalf. The second negotiation is with the Opposite. If conditions at the table change significantly, do not hesitate to take a break and ensure your organization is still on board despite the changes.

8. Do not give in to time pressure. Weariness leads to a weakening of willpower and the dominance of Sys1 thinking, leading to potentially suboptimal outcomes. One reason an Opposite may drag out a negotiation is to wear you down to the point that you will agree to anything to just get it over with. Unless lives are on the line, take breaks when you are tired.
9. Record the agreement so you and the Opposite can reference it in execution. Do not offer a handshake if that handshake is meaningless when a problem arises during the execution. You do not always need a formal document either; sometimes an agreement made in public in front of reliable witnesses does work.
10. When you finish the negotiation, do not celebrate yet; it is not over. Have a plan to deal with issues as they arise during the agreement's execution. Also, do a **post-negotiation evaluation**. Learn from both success and failure. That is the main way you will improve.

How to use the following section

1. Once you complete a TIPO, choose an initial strategy and go to that section.
2. Use the Critical Thinking (CT) questions in each worksheet as appropriate. The circumstances, available resources, and your goal will determine how much of the worksheet you use. The CT questions in each worksheet are a summary of the actual questions negotiators used in their particular situation. This is not a mandatory list you must answer completely; scan the questions and pick the ones that help your situation.
3. There may be opportunities within a negotiation to switch strategies. They might be short subroutines, such as a quick comply within a Cooperative Negotiation Strategy (CNS) process to get the ball rolling, or it may involve a major strategy shift. A subroutine shift does not require a TIPO reassessment; but in a major shift, a redo of the TIPO is useful. How do you conduct a redo in the middle of a negotiation? You could ask for a break/recess or you could designate a member of your team to be responsible for only monitoring the TIPO when they detect changes from the plan that is detrimental to the negotiation. Then they can provide you advice on how to adjust.

Trust, Information, Power, Options Worksheet

The TIPO worksheet is a useful guide to help prepare for any negotiation. It helps you assess the context and guides the selection of an initial strategy. Update the TIPO regularly; it might alert you to a change in strategy.

TIPO* Worksheet	
	ANALYSIS
TRUST	
High/medium/low?	
Your trust in the Opposite?	
The Opposite's trust in you?	
Type: process/personal	
Is trust-building an option? (yes/no)	
What do you need (time/resources) to build trust?	
INFORMATION	
Source?	
Value to your situation?	
Who has more/better quality information?	
Use only yours? Use only theirs?	
Use both sides' information?	
How much should I share?	
What should I share first?	
What's the risk of sharing first?	
What is the Opposite doing with their information?	
Are they reserved or forthcoming with information?	
Assess/validate your/the Opposite's assumptions. What is the risk of accepting assumptions as facts?	
POWER	
Source and type of power?	
Is it important to have power?	
How do you value the Opposite's power?	
How does the Opposite value your power?	

POWER *(continued)*	
Is your/the Opposite's power sustainable?	
How will you use your Power (Over/With)?	
How do you think the Opposite will use their Power (Over/With)?	
OPTION(S)	
Is there a mutual understanding of the problem?	
What are you pursuing: your/their/multiple option(s)?	
What is the Opposite pursuing: your/their/multiple option(s)?	
What are the resources to support option-building?	
What are the limitations to option building?	
BATNA†	
Your BATNA; strong/weak?	
Opposite's BATNA: strong/weak?	
How can you protect yours?	
How might you influence theirs?	
What are the WATNAs‡?	
*TIPO–Trust, Information, Power, Options †BATNA–Best Alternative To a Negotiated Agreement ‡ WATNA–Worst Alternative To a Negotiated Agreement	

TIPO to Negotiation Strategy Recommendation Matrix

After you complete the TIPO, use the matrix below to suggest a negotiating strategy. You need not have ALL these conditions to select it as a strategy, but this should inform your decision.

Negotiation Strategy Recommendation Matrix

T - Trust	I - Information	P - Power	O - Option(s)	BATNA	
Low or No Trust	Low/No/ Insufficient Trust	Low/No Power	No Desirable outcome available. Status Quo is sufficient	Usually the Status Quo and it is better than any potential outcome from this negotiation	Evade to anticipate OBE (Branch 1)
Lack Trust	Lack Info	Lack Power	No Desirable outcome available,but Status Quo may be poor	Weak BATNA; need to negotiate, but current TIPO is too weak	Evade to gain TIPO strength for later engagement (Branch 2)
Low	Use Only Your Info	High Power Over	One (Yours)	Weak to Strong	Competitive Insist (Branch 1)
Med/High	Use Only Your Info, perhaps limited Info from Opposite	High Power Over	One (Yours)	Weak to Strong	Crisis Insist (Branch 2)
High	Use Only Their Info	Low to High (but not used)	One (Theirs)	N/A	Comply that leverages existing High Trust (Branch 1)
Low, but a desire to build Trust	Rely on Their Info	Low to High (but not used)	One (Theirs)	N/A	Comply to build Trust (Branch 2)
Med	You use your info, they use their info	No Distinct Advantage	You look after your Options, they look after their Options	Weak to Strong	Settle
High	Willing to share info	Any power is used as Power With	Possibly Many	Weak to Strong	Cooperate

Notes

1. Chen, "4 Stages of Negotiation."
2. Cohen, *Negotiating Skills for Managers*, 43.
3. Eisen, "Challenges for the Senior Leader," 415–24.
4. Hunter, "12 Tips for Successful Negotiations"; Dominick, "A 21-Point Negotiation Checklist"; Cohen, *Negotiating Skills for Managers*, 70–83; and Garner, "7 Strategies That Boost Negotiation Success."

Appendix B

Negotiation Planning and Execution Worksheets: Evade

Evade's purpose is to execute a delaying action. Evade seeks one of two outcomes. The first is using Evade as a delaying action because you anticipate the event becoming irrelevant—overcome by events (OBE). The second is using Evade as a delaying action as you gain the resources needed to engage later with another strategy. These two outcomes are addressed by two different branches (and worksheets) described below.

Branch 1: Evade seeks an OBE outcome. If you are selecting Evade in anticipation that events will stop the need for later negotiations, ensure you have a good estimate of the OBE event that will get you out of later negotiations. Then estimate if the Opposite has the ability to affect this event in their favor. If the Opposite has the ability and will to affect the OBE event, you need to reassess the utility of the Evade strategy.

Evade (Branch 1: Anticipate an OBE) Planning

1. Estimate the effect of keeping the status quo or the result of an OBE to your situation. If the status quo or the results of an OBE event are better for you than any anticipated outcome of a negotiation, then the Evade strategy (branch 1) is appropriate.
2. Estimate the ability of the Opposite to take action that would hurt your situation. If those actions are undesirable, consider using Evade (branch 2).
3. Rehearse the words you will use to tell the Opposite that you are not engaging while keeping an eye on its effect on the relationship. Suggested statements include the following:
    a. "Wish I could help you right now but I just do not have the means to help/engage."
    b. "I know you have a concern here but let's shelve it for a while and see what happens."
    c. "I think postponing this issue is the best idea for both of us. The assets we need to work this are more than we have."
    d. "With the situation as it is, I don't see the benefit in engaging. Let's put this on the back burner while we work (fill in the alternative issue)."

Evade (Branch 1) Execution

1. Remain professional. You are closing the door on the Opposite, but you do not want to metaphorically slam it (unless you intend to harm the relationship).
2. Thank the Opposite for their willingness to raise the issue.
3. Use a frame conveying why a negotiation is not the best use of available resources. There is potential to frame it as "I can't work on that but I can work on this" frame.

4. After the session, acknowledge them for their efforts and summarize that you have agreed to table the issue (call, email, note/letter, text, and/or tweet).

EVADE STRATEGY (BRANCH 1) WORKSHEET		
	You	**The Opposite**
Define the problem **Opposite's position** **What makes this a "problem" for the Opposite but not necessarily a problem for you?** **Is there a reframing option?**	What in the Opposite's position is causing you to Evade? How might you reframe the existing problem into a non-issue and make the Opposite disengage? How can you reframe the effort to engage on an issue that is important to both of you?	Why is the Opposite engaging in a negotiation? What position has the Opposite provided? What interests have they provided? If you asked and the Opposite provided no position/interests, what is your estimate of their position/interests? Do they have the power/information, etc. to achieve their objective, even over your protests? How does that condition affect your choice of Evade?
Branch 1: Overcome by events	What are the conditions you anticipate that will make the situation resolve itself? Time: What is the deadline for resolution/action? What is the price of inaction? How do you envision the flow of events that would overcome the situation? What is the risk of miscalculation?	What resources does the Opposite have to affect the current situation? What might the Opposite do to keep the issue alive? How can the Opposite impact deadlines, deliverables, and/or expectations? How might you counter them?
***BATNA** **†WATNA**	You have no BATNA/WATNA. How well can you tolerate the status quo? Can the Opposite influence the quality of the status quo?	What are the Opposite's BATNA and WATNA? Can they go around or over you to gain their goal? Will they pursue it immediately, and how will that influence your future?
*BATNA–Best Alternative To a Negotiated Agreement †WATNA–Worst Alternative To a Negotiated Agreement		

Evade (Branch 2: Working to Gain TIPO) Planning

The following steps will help this process.

1. Estimate the resources needed for you to switch to another strategy and reengage with the Opposite.
   a. If I need more trust, what trust-building tactics can I employ?
   b. What information is missing? How do I gain that information?
   c. How do I validate the currently available information?
   d. If I need more power, will I use it as Power Over or Power With? How do I gain the needed expert, position/legitimate, referent/charismatic, coercive, reward, and/or influence power? Do I gain it myself or bring others to the negotiating team possessing that needed power?
   e. What possible option(s) could I build that the Opposite finds useful?
2. Estimate the time and energy needed to get the resources you identified above. If you do not have the required resources, what is your alternative?
3. Rehearse the statements you may use to engage in the Evade strategy. If you seek to reengage the Opposite, inject hope into the conversation. Possible phrases to invoke hope into the Evade strategy include:
   a. Come back later and set a time. Example, "I can't meet with you now but I can make time for you the day after tomorrow or the first of next week. Which do you prefer?"
   b. Come back later (under specified conditions). Example: "Unfortunately this issue isn't as high a priority with us as these other issues. When the higher headquarters (HHQ) establishes the revised requirements and sends out a tasker, I will be more than happy to get back with you."
   c. Come back later (after you have done the TIPO actions). Example: "I don't want to bring you the numbers right now because I don't have confidence in them and I don't want to waste your time with inaccurate stats. As soon as I can validate the data, we will get together. How about next Wednesday afternoon or Thursday morning?"
4. Estimate what the Opposite can do in lieu of engaging with you if you Evade. If that action is worse than engaging in a negotiation, then you should consider changing strategies. Sometimes you negotiate to maximize the outcome, sometimes you have to negotiate to minimize the damage.

Evade (Branch 2) Execution

1. Remain professional. You are closing the door on the Opposite (for now), but you do not want to figuratively slam it, unless you intend to harm the relationship.

2. Thank the Opposite for their willingness to raise the issue.
3. Use an "I can't do this, but I can do that" frame as you explain to the Opposite why the conditions are not favorable for a negotiation. This supports the hope that you need to inject into the conversation.
4. Leave good contact information for the follow-up—if you intend to have a follow-up.
5. After the session is over, thank them for their efforts, summarize the actions agreed to before the next engagement, and set the time or the conditions for reengagement via text, email, call, or tweet.

Evade Strategy (Branch 1) Worksheet		
	You	**The Opposite**
Define the problem		Why is the Opposite engaging in a negotiation?
Opposite's position	What in the Opposite's position is causing you to Evade?	What position has the Opposite provided?
What makes this a "problem" for the Opposite but not necessarily and problem for you?	How might you reframe the existing problem to make it less urgent so you can collect the resources you need to later re-engage?	What interests have they provided?
What would need to change so it becomes a mutual issue that you would be willing to work?	What reengagement strategy are you planning on using?	Do they have the power/information, etc. to achieve their objective, even over your protests? How does that condition affect your choice of Evade? How might you change the frame?
Branch 2: Reengage later	What are the changes in the situation (TIPO*) that would motivate you to reengage with another strategy? Trust: What are the rapport-building options? Do you need to build personal or process trust (or both)?	How can the Opposite affect your attempts to change the TIPO situation in their favor?

Branch 2: Reengage later *(continued)*	Information: Do you need to validate current information or gain new information? What tools do I need? Power: How do you gain power and how do I intend to use it (Over/With)? Options: Am I seeking to advocate for only my position or am I interested in opportunities for multiple options? For all the above: what resources do you need to achieve the modification to the TIPO that would be sufficient to change strategies?	Information– Power– Options–
[*]BATNA **[†]WATNA**	Your short-term BATNA is the status quo as you build strength in your TIPO elements. How well can you deal with this situation? What is the worst that can happen in the short term?	What is the Opposite's BATNA[†] and WATNA[‡]? Will they pursue it immediately and how will that impact my future ability to reengage? Can they "work around you" and how will that affect the outcome? How can you prevent them from working around you and have them realize that engaging with you later is better than their BATNA?

[*]TIPO–Trust, Information, Power, Options
[†]BATNA–Best Alternative To a Negotiated Agreement
[‡]WATNA–Worst Alternative To a Negotiated Agreemen

Appendix C

Negotiation Planning and Execution Worksheets: Comply

Comply's purpose, similar to the Evade strategy, is to avoid a direct negotiation; however, in this situation, there is an outcome. Comply hands over all decision-making power to the Opposite. This process either leverages current high levels of trust (Comply: branch 1) or is used to build trust (Comply: branch 2). If you choose branch 2, it assumes you are building trust with the intent to engage later with another strategy. This means you should estimate the amount of trust you will need to execute that preferred strategy—small amount of trust for a shift to the Settle or a large increase in trust to use the CNS. After this decision, you must estimate if your plan for the Comply strategy will get you the needed trust. Also, keep in mind that Comply may also be a subroutine in a larger negotiation. You may Comply with a small request to build good relations and set up the expectation of reciprocity (or cooperation) on other aspects later in the engagement. Below are outlines for each process.

Comply (Branch 1) Planning

1. Estimate the existing level of trust (personal or process).
2. Estimate the risk if you choose Comply and have misjudged the trust (i.e., what can the Opposite do to take advantage of you selecting Comply).
3. Set your limits to what offer/demand you are willing to agree to without condition. Set your rationally bounded limits, ethical limits, legal obligations, and so on.
4. Determine if you want to make Comply easy or hard.
    a. Easy: very agreeable to any terms and conditions set up by the Opposite.
    b. Hard: set limits/conditions to your generosity under Comply.

Comply (Branch 1) Execution

1. Thank the Opposite for their efforts in raising the issue.
2. Allow the Opposite to make the offer/demand.
3. Estimate if agreeing to the offer/demand will meet your expectations of increased trust. Questions like, "If I agree to this without conditions, how will it affect our future relationship/negotiation?" or "If I agree to this, how will it change our relationship/partnership situation?"
4. Ensure the offer/demand is within your acceptable limits (rationally bounded, ethical, legal, etc.). If the offer is not within your limits, consider the Evade strategy to buy yourself time for a later reengagement. You could also risk switching to another strategy to make counteroffers (Settle), demands (Insist), or develop options (Cooperative Negotiation Strategy [CNS]).

5. If you accept the offer/demand make it:
   a. Easy: "I am happy to do that and look forward to more interactions!" or "Yes Dear, that was going to be my first choice in restaurants as well!"
   b. Hard: "I am happy to accept but I can only do this one time because…." or "Yes Dear, I would love to go to that restaurant tonight but I'd like dibs on choosing the next time."

Comply Strategy (Branch 1) Worksheet		
	You	**The Opposite**
Define the problem	How do you define the problem? How does the Opposite define the problem? What are the differences?	Why is the Opposite engaging in a negotiation? What do they want as an outcome?
Opposite's position	Do you know the Opposite's position BEFORE engaging in the negotiation? If you do not know the exact position, what is the range of acceptable positions for you to execute the comply strategy? What makes agreeing to the Opposite's position without your input so appealing?	If the Opposite is anticipating a comply strategy from you, what is the risk/cost to you if the Opposite takes total advantage of the situation?
Reservation point	Even though you plan to comply, you should establish a reservation point. Your Opposite might take advantage of the situation and open with an aggressive anchor that exceeds your reservation point. Without forethought, you might be caught off guard and agree to something unfavorable.	
Anchor	You have no anchor because you do not intend to make any offer.	
Branch 1: High trust	How high is the level of personal and/or process trust?	What type of trust does the Opposite value the most (personal/process)? Do you have high levels of trust in that type?

Branch 1: High trust *(continued)*	What evidence do you have to measure that trust? Is it reliable? How can you validate it? With regard to outcome, trust, and follow-on, what is the associated risk	How will the Opposite react to a "hard" or "easy" tactic? What temptations might the Opposite have to take advantage of the situation? How can you detect it and how might you counter it?
BATNA* **WATNA†**	Again, you need to consider an alternative if your Opposite attempts to take advantage of your intent to comply. If the Opposite makes an unacceptably aggressive anchor, what is your BATNA? If your BATNA is unfavorable, what other negotiation alternatives are available to you (use TIPO‡ to inform this decision)? If you execute your BATNA, what will it do to trust?	What is the Opposite's BATNA? What happens to you if they execute their BATNA?
*BATNA–Best Alternative To a Negotiated Agreement †WATNA–Worst Alternative To a Negotiated Agreement ‡TIPO–Trust, Information, Power, Options		

Comply (Branch 2) Planning

You may use this strategy to build trust.

1. Estimate the existing level of trust (personal or process).
   a. Determine the actions you are willing to do, what amount of trust you anticipate it will build, and what negotiating strategy would you move to if this negotiation succeeds.
   b. Determine how you will measure that anticipated increase in trust. Will it be by gaining more information from the Opposite, seeing the Opposite changing from Power Over to Power With, and/or seeing the Opposite change their strategy and asking for your input/insights/options?
2. Estimate the risk if you choose Comply and then not gain the anticipated increase in trust.
   a. What is the risk of continuing with Comply?

b. If a change in strategies is warranted due to unrealized gains in trust, what strategy is being considered and why?

3. Determine if you want to make Comply easy or hard.

   a. Easy: very agreeable to any terms and conditions set up by the Opposite.

   b. Hard: set limits to your generosity under the Comply strategy.

Comply (Branch 2) Execution

1. Thank the Opposite for their willingness to raise the issue.
2. Allow the Opposite to make the offer/demand, or you can make a unilateral concession that you know the Opposite is likely to accept.
3. Ensure the Opposite's offer/demand is within your acceptable limits (rationally bounded, ethical, legal, etc.). If the Opposite's offer/demand is not within your limits, consider the Evade strategy to buy you time for a later reengagement. Another tactic is to have a unilateral concession that you believe the Opposite will most likely accept.
4. If agreeing to the Opposite's offer/demand is not expected to raise trust in the amount you need to move to another strategy, a change to the Evade strategy is recommended or stay with the Comply strategy and make a calculated concession of your own.
5. . If you accept the Opposite's offer/demand make it:

   a. "I am happy to do that and look forward to more interactions!" or "Yes Dear, that was going to be my first choice in restaurants as well!"

   b. Hard: "I am happy to accept, but I can only do this one time because . . ." or "Yes Dear, I would love to go to that restaurant tonight, but I'd like dibs on choosing the next time."

6. Assess if you realized the anticipated increase in trust? If it is realized, what is the follow-on action? If not, how do you compensate?

Comply Strategy (Branch 2) Worksheet		
	You	**The Opposite**
Define the problem	How do you define the problem? How does the Opposite define the problem? What are the differences?	Why is the Opposite engaging in a negotiation? What are the positions and interest?
Opposite's position	Do you know the Opposite's position BEFORE engaging in the negotiation? If you do not know the exact position, what is the range of acceptable positions for you to execute the Comply strategy?	If the Opposite is anticipating a Comply strategy from you, what is the risk/cost to you if the Opposite takes total advantage of the situation?
	What makes agreeing to the Opposite's position without your input so appealing? What will the anticipated increase in trust do for you?	What might make this strategy good for the Opposite? If they are also interested in increasing the trust levels, how do you think they will use this increased trust?
Reservation point	Even though you plan to Comply, you should establish a reservation point. Your Opposite might take advantage of the situation and open with an aggressive anchor that exceeds your reservation point. Without forethought, you might be caught off guard and agree to something unfavorable.	
Unilateral concession/ counter	In this situation, since you are trying to build trust, have a unilateral concession/ counter in your hip pocket. Consider using it (or switching strategies) if the Opposite's offer/demand is unacceptable. A statement like, "Unfortunately I cannot accept your offer, but I would like to see if you would accept . . ."	
Branch 2: Building trust	Why do you need to build trust with the Opposite? What is the anticipated follow-on negotiation that requires increased trust	What type of trust does the Opposite value the most (personal/process)? Are your trust-building actions going to improve the type of trust the Opposite values?
	What are the actions you are willing to Comply with? Providing information? Sharing power? Agreeing to their position?	What are the temptations the Opposite might have to take advantage of your Comply strategy?

Branch 2: Building trust *(continued)*	How much time do you have to build trust Is this the first attempt at trust building? If not, what needs to change from previous attempts? What is the risk if the Opposite takes advantage of you When and under what conditions will you stop pursuing the Comply strategy?	How will the Opposite react to a “hard” or “easy” tactic? If the Opposite sees you ceasing the Comply strategy, how do you think they will react?
BATNA* **WATNA†**	You need to consider an alternative if your Opposite attempts to take advantage of your intent to Comply. If the Opposite makes an aggressive anchor, what is your BATNA? If your BATNA is unfavorable, what other negotiation alternatives are available to you (use TIPO‡ to inform this decision)? If you execute your BATNA, what will it do to trust?	What is the Opposite's BATNA? What happens to you if they execute their BATNA?
*BATNA–Best Alternative To a Negotiated Agreement †WATNA–Worst Alternative To a Negotiated Agreement ‡TIPO–Trust, Information, Power, Options		

Appendix D

Negotiation Planning and Execution Worksheets: Settle

Settle aims to gain a quick agreement that meets or exceeds both sides' reservation points. Settle means you anticipate working your priorities and will not significantly get in the way of the Opposite as they work their priorities. Moderate levels of trust and information and equal amounts of power generally suggest the Settle strategy, especially if the negotiation is simple, such as bargaining over the price of an item or the suspense of a tasker. Often, Settle can be a subroutine in a more complex negotiation, which means you are willing to "split the difference" and move on to other parts of the negotiation. The Settle strategy generally follows the below process.

Settle Planning

1. Trust is not an overriding factor in the Settle strategy. You need a minimal amount of trust, such as trust that the product is as advertised. You need just enough trust to feel comfortable with the agreement. If you get to a potential agreement but do not have sufficient trust to accept the agreement at face value—you feel like you are being cheated—then you need to increase the level of trust (outside validation, a warranty in writing, lien on collateral, etc.) or assume the risk associated with lower than desired level of trust.
2. Assess the strength of your information and power. This will influence your ability to pull the Opposite closer to your aspiration point.
3. Based on number 2 above, the stronger your information and power, the more ambitious your aspiration point. Make your aspiration point rationally bounded.
4. Estimate the strength of the Opposite's information, power, and Best Alternative To a Negotiation Agreement (BATNA). This will influence your reservation point.
5. Establish your reservation point based on number 4 above. The stronger your Opposite's information, power, and BATNA, the weaker your reservation point. Determine the size of your bargaining range.
6. Set an anchor at or beyond your aspiration point. Make your anchor rationally bounded as the Opposite sees it.
7. Determine what information you are willing to reveal to defend your anchor.
8. Determine how strongly you intend to challenge/discount the Opposite's information.
9. Regardless of the strength or weakness of your information and power, you should consider making the opening bid with your anchor.
10. Arrange with the Opposite how you record the agreement. For instance, an informal agreement, such as a handshake and verbal contract, or a more formal agreement like an email, text or a memorandum of understanding.

11. If needed, arrange the setting (time, place, attendees, etc.) with the Opposite.

Settle Execution

1. Set the context. The atmosphere should be neither overly friendly nor hostile.
2. If able, a small gesture on your part, something as simple as a compliment, can spark the reciprocity condition. However, avoid complementing the item you are negotiating by saying things like, "I have been looking far and wide for this model. You are lucky to have one in such good condition." This will encourage the Opposite to inflate the value of the item. Instead suggest a complement like, "Thank you for taking the time out of your busy day to meet me on such short notice." This complement has a less likely impact on the Opposite's anchor and aspiration point.
3. If the Opposite has overvalued the issue/item, be prepared to make comments and provide evidence that helps you justify your counteroffer.
4. Their initial counteroffer (their anchor) will inform you on their bargaining range and the Zone of Possible Agreement (ZOPA). Once you have an idea of the ZOPA, you may either defend your anchor (especially if your information and power are better than the Opposite's) or make a small concession.
5. Do not make multiple concessions without getting something in return. Any concession from you should be slow and reluctant. If they are reluctant to make a counteroffer and are expecting more from you, you can signal a polite no by stating:
   a. "I've done my part to help us get closer to a solution. Time for you to do your part."
   b. "It's only fair that you have the opportunity to make a move and help the situation."
   c. "Your turn."
6. Do not make large concessions. Once you make a concession, you can never take it back.
7. As you get closer to your reservation point, your concessions should get smaller and smaller and your language and nonverbal communication should signal that you are close/at your reservation point. The following statements will signal to the Opposite that you are approaching the limits of your bargaining range:
   a. "I can't move much more on this."
   b. "If you ask me to do more, I might (will) have to consider my alternatives."
   c. "If I do any more, my boss will not approve it."
8. Once you have an agreement, use appropriate signals to execute the agreement. It might be a simple handshake and a statement to reconfirm:
   a. "Great, we've agreed to move the project due date from 3 November to 9 December. I appreciate your willingness to compromise."

b. "It was a lot of work but I am glad we got to the agreement. Just to make sure I got it right, you agreed to edit the document for the accuracy of the maintenance data and I agreed to ensure the costing was up to date using the XYZ costing standards."

c. You might need a written agreement. This can be as simple as an email or text or more formal, such as a memorandum of agreement or understanding with signatories.

Settle Strategy Worksheet		
	You	**The Opposite**
Define the problem	What is the problem? What makes it simple enough for the Settle strategy?	Do you anticipate the opposite also using the Settle strategy? How will you adjust if they use the Insist strategy (or another) strategy?
Positions	What is your position?	Estimate the Opposite's position.
Aspiration points	What is your aspiration point?	Estimate the Opposite's aspiration point.
Reservation points	What is your reservation point?	Estimate the Opposite's reservation point.
Bargaining range	Establish your bargaining range.	Estimate the Opposite's bargaining range.
Anchors	Establish your anchor. What tools will you use to support your aspiration point, reservation point, and anchor (for example, online pricing of similar items, a reference guide for the item, previous local sales)? Your position is stronger if you have something to back it up.	Estimate the Opposite's anchor
ZOPA*	Anticipate the ZOPA (before) and adjust (during) the negotiation.	
Opening	Make an opening anchor that is ambitious.	Pay close attention to their anchor. It will indicate their bargaining range.

Counteroffers	Be polite when listening to the Opposite's anchor and counteroffers. Monitor your nonverbal language and pay attention to theirs. As you make each concession, provide information to justify the (small) size of your concession. Always maintain sight of your reservation point and BATNA†. Do not let emotions arbitrarily guide you to an agreement that doesn't meet your reservation point and/or is worse than your BATNA	Empathize with their concessions, but remain firm to your process. Do not get in a hurry as impatience may trigger multiple concessions on your part with no reciprocity from the other. If the Opposite threatens to execute their BATNA, do not overreact. Ask why they want to execute their BATNA and ask them to explain why they think their BATNA is better than your offer. It'll inform how much of a concession you might need to close the deal.
BATNA **WATNA‡**	What is your BATNA and WATNA? What can you do to make it stronger? How might the Opposite weaken your BATNA/WATNA? How do you protect your BATNA/WATNA?	What is the Opposite's BATNA and WATNA? Can you affect the strength of their BATNA/WATNA?
*ZOPA–Zone of Possible Agreement †BATNA–Best Alternative To a Negotiated Agreement ‡WATNA–Worst Alternative To a Negotiated Agreement		

Appendix E

Negotiation Planning and Execution Worksheets: Insist

Insist is used to get a distributive (win-lose) agreement that meets your aspiration point. There are two branches to the Insist strategy. The first is the familiar, highly competitive, and contentious win-lose strategy. The second branch meets the needs of more directive action during a crisis within the military context. Below are outlines for each of these two branches.

Branch 1 is a highly competitive situation. Here, your aspiration point, reservation point, and anchor are identical. You attain your objective without regard to the opposite's needs and/or wants. The branch 1 process may achieve your immediate objective but it will come at a high cost to the relationship and future exchanges with the Opposite. To execute this strategy, you need to consider the following process.

Insist (Branch 1) Planning

1. Define your objective. In the Insist strategy a unique situation exists; your objective is a single point that reflects your reservation point, aspiration point, anchor, and demand. Your negotiation process is simply is *how* you will achieve your established objective (the *what*).
2. Assess the Opposite's ability to keep you from achieving your objective.
3. Determine if you have the power to overcome any objections by the Opposite.
4. Determine if the information you have is sufficient to support your objective.
5. Estimate what blocking actions your Opposite might take. Have counters for these anticipated blocking actions. They could be as simple as procedural blocks, such as stating, "I will have to check with my boss." Your counter is to state something like, "Fine, take your time, I'm in no hurry" or "I have checked with your boss, here is the email that says it's ok." A more complex block would be needed when the Opposite engages in the Evade strategy to gain power through coalitions. You need to think about these potential countermoves and have plans to overcome them if you want to stick with the Insist strategy.
6. Marshal the needed information to support your demand and discredit any of the Opposite's counters.

Insist (Branch 1) Execution

1. Establish an unyielding drive to wear down the Opposite.
2. Since you will be hurting the relationship, ensure enforcement tools are in place to maintain control over the Opposite during execution. Work to control the location, agenda, timing, attendees, and so on. If you have to relent on any of these, do so slowly

and reluctantly and with conditions if able. This might be an opportunity to set up a reciprocity action with the Opposite.

3. Declare your objective.
4. Do not concede to any of the Opposite's counters. Discredit their aspiration point as you remain firm to your original objective.
5. Assess the strength of your information and power. This will influence how you will pull the Opposite to your objective.
6. Based on number 5 above, the stronger your information and power, the more ambitious your objective. But always ensure it is rationally bounded.
7. Determine what information you are willing to reveal to defend your objective.
8. Determine how strongly you intend to discount the Opposite's information.
9. Regardless of the strength or weakness of your information and power, you should make the opening statement that reveals your objective. Remember your objective has no wiggle room.
10. Anticipate a counteroffer. Use you power to discredit it and start revealing the strength of your Best Alternative To a Negotiated Agreement. If you are thinking about a concession, you have just abandoned the Insist strategy and are moving to Settle. This can be problematic since you opened with a firm objective (demand), yet now seem flexible. A clever Opposite will detect the change in strategy and push to see how much you will concede.

Insist Strategy (Branch 1) Worksheet		
	You	**The Opposite**
Define the problem	What is the problem? Can you handle it with the insist strategy? What is the potential long-term fallout of a competitive, win-lose strategy?	How do you anticipate the Opposite will respond/react to the use of this strategy?
Positions	What is your position?	Estimate the Opposite's position. How will you overcome it? How aggressive will you be as you discount the Opposite's information? Do you intend to destroy the relationship or deal with the results of a damaged relationship?

Aspiration point **Reservation point** **Anchor**	What is your objective (aspiration point/reservation point/anchor/demand) that will help you achieve your position? In the Insist strategy (branch 1), they should be the same. If not, consider a settle strategy. Do you have the needed Power Over and sufficient information to achieve your objective	
Opening	Express your objective and choose to be firm or aggressive in your presentation. Realize the impact to the relationship and trust. Communicate the strength of your BATNA*. Do not make concessions. Explain why concessions are not in play.	If the Opposite threatens to execute their BATNA, do not overreact. Find ways to communicate that their BATNA is not as valuable as they think it might be. Communicate the downside(s) of their BATNA.
BATNA **WATNA**†	What is your BATNA and WATNA? What can you do to make it stronger? How might the Opposite weaken your BATNA/WATNA?	What is the Opposite's BATNA and WATNA? How can you weaken their BATNA/WATNA?
*BATNA–Best Alternative To a Negotiated Agreement †WATNA–Worst Alternative To a Negotiated Agreement		

Insist (Branch 2) Planning

Branch 2 is still a competitive situation. You need to achieve your objective but the rationale behind the selection of branch 2 is to deal with a bona fide crisis while minimizing the impact on the relationship. You still need to "win" but you do not want the other side to necessarily "lose" in the classic sense of the Insist strategy. To execute, you need to consider the following process.

1. Define the problem and ensure it is a bona fide crisis. Factors include:
   a. risk to life and/or limb,

b. risk to property,

c. potential for major regulatory or legal ramifications if not addressed, and/or

d. actions required (deadline, etc.) provide insufficient time to engage in a more cooperative solution process.

2. Determine the outcome (the objective) that achieves what you need with a minimal impact on the Opposite. Remember that an objective is a single point (aspiration point, reservation point, and anchor/demand).
3. Assess the Opposite's ability to keep you from achieving your objective and develop arguments to defend it without defeating the Opposite, while convincing them that in the long run it is to their advantage to agree.
4. Determine if you have the power to achieve and then execute this objective.
5. Determine if the information you have is sufficient to support your objective.
6. Clear the way for any anticipated blocking actions from your Opposite with statements and actions that empathize with their situation but also emphasize the need for you to achieve your objective. You are working for an immediate answer; however, realize that down the road there may be a better option. Use words that convey that intent. Suggestions include:

   a. "The situation demands immediate action. Work with me on this. We'll revisit as soon as the dust settles."

   b. "I know this will have a negative impact on your operations/resources/time/priorities, but if we delay, we risk . . . ."

   c. "Keeping our number one priority in mind, this needs to be done first . . . ."

7. Have a placeholder for when you will revisit this issue once the crisis has passed.

Insist (Branch 2) Execution

1. With a sense of urgency, establish a rapport.
2. Since you probably have good trust with the Opposite, consider declaring this strategy in advance. *Empathize* with the Opposite as you *emphasize* why you are using the Insist strategy. Something along the lines of, "I know we normally don't treat situations like this in such a rush, and I can feel your anxiety, but work with me on this one. Let's do it this way and when the smoke clears, revisit when there isn't so much light and heat."
3. Have the evidence ready to support how your intended objective will directly address the issue.
4. If the Opposite has other information and you have the resources (i.e. the time) to consider it, consider changing strategies. If you remain with the Insist strategy, do not dismiss or discredit the Opposite's information, but delay your consideration of their information. Statements below might help with this process:

a. "We're looking for a 'good enough' solution right now; we'll look at that later."
b. "I assure you that when this crisis passes, we'll reconsider that input. But right now, we don't have the ability to address."
c. "Don't let go of that idea. Once this crisis passes, bring up again. We'll be able to take a closer look."
d. "If I could, I'd run with that idea, and we will as soon as this crisis subsides."
e. "We'll go from 'good enough' to 'great' as soon as we can."

5. Discuss the "follow-on" negotiations that will occur after the crisis passes. If you can be specific, set a date. If not, set a commitment.

Insist Strategy (Branch 2) Worksheet		
	You	**The Opposite**
Define the problem	What is the problem? What is the potential long-term fallout of a win-lose strategy?	Does the Opposite realize there is a problem? If not, how will you communicate it?
Positions	What is your position?	Estimate the Opposite's position. How will you address it and get them to set it aside for the time being?
Aspiration point **Reservation point** **Anchor**	What is your objective (aspiration point/ reservation point/anchor/demand)? In the Insist strategy (branch 2), they should be the same. Do you have the needed Power Over and sufficient information to execute your objective?	Has the Opposite declared a position, aspiration point, etc.? If they have, how will you address it and get them to set it aside for the time being?
Opening	Express the nature of the crisis and your need to have immediate action. With high trust, you should declare this strategy in advance with a provision to revisit the issue once the crisis has passed. Realize that even with significant empathy, there will still be an impact to the relationship and trust.	If the Opposite threatens to execute their BATNA*, do not overreact. Find ways to communicate that their BATNA is not as valuable as they think it is. Communicate the downside(s) of their BATNA and your willingness to reengage once the crisis subsides.

Opening *(continued)*	Communicate the strength of your BATNA. Do not make concessions. Explain why concessions are not in play.	
BATNA WATNA[†]	Even though you are not planning to use a BATNA, estimate it and your WATNA. What can you do to make it stronger? What action by the Opposite might force you to execute the BATNA? How might the Opposite weaken your BATNA/WATNA? How do you protect your BATNA/WATNA?	What is the Opposite's BATNA and WATNA? Can you affect the strength of their BATNA/WATNA?
[*]BATNA–Best Alternative To a Negotiated Agreement [†]WATNA–Worst Alternative To a Negotiated Agreement		

Appendix F

Negotiation Planning and Execution Worksheet: Cooperative Negotiation Strategy

Due to the fact that the Cooperative Negotiation Strategy (CNS) fosters collaborative relationships, while helping to create mutually agreed upon outcomes and is one element of engaged leadership, it is recommended for many negotiating situations.[1] This section has two worksheets: The first worksheet is a bare bones method of CNS implementation. The second, expanded worksheet includes CT questions. You do not need to answer all the questions; some might not have an answer since the situation varies from one negotiation to the next. However, there are some overarching themes. First, after reading each question, determine if it applies to your situation. If so, the second question is, "Do I have the time, resources, and ability to gather an answer that adds value (in excess of the cost of getting the answer) to my negotiation planning?" If the answer is yes, then work to answer the question. If the answer is no, you need to determine the risk of not gathering/validating the information. Finally, it is obvious that you should plan for your side but also devote serious effort considering the Opposite's side. Effective planning means planning from their perspective as well. Although you will estimate many of the Opposite's positions and interests, the estimates help you anticipate potential issues and plan a better course of action.

CNS Planning

1. Define the problem. Contact the Opposite before the negotiation to get their perspectives on how they see the problem.
2. Estimate the existing level of trust (personal or process).
3. Estimate the quality of your information. Separate assumptions from facts. See if the Opposite has information that helps validate assumptions into facts.
4. Estimate how you will share power. What types of power do you have and how will you share it (before the meeting, in planning documents, in the agenda setting, etc.)? What types of power does the Opposite have and how do you anticipate them sharing it? Can you do any pre-negotiation actions by providing some information or doing some rapport-building visits to test the Opposite's willingness to share information? Something as simple as asking the following during a rapport-building visit can open the door: "Here's what I think is important to consider, tell me what you think is critical" or "Here's what I think is important to consider. Do you agree?"
5. During the agenda building, plan how you will present and develop options. Will you do any of the following:
   a. Proceed from the top of a list to the bottom?
   b. Work the hardest issue to the easiest (or vice versa)?

c. Consider a complete option that addresses all concerns and work on modifying that proposal (also known as a "one text" negotiation)?

d. Brainstorm session where all ideas are recorded without judgment (perhaps on a whiteboard or similar tool) and then begin combining ideas into potential solutions?

e. Create a "turn-taking" negotiation where you address one issue, then let the Opposite "take the lead" so they can address what is a priority concern to them. Continue taking turns until all issues are addressed.

6. Work on a list of CT questions to help with exchanging views.
7. Complete the planning worksheet to address BATNAs and other CNS process items.

CNS Execution

1. Engage in genuine rapport building.
2. Agree to the agenda and ground rules of the negotiation.
3. Use CT questions to identify and validate the problem as a mutually understood problem.
4. Consider a preemptive concession to help set up reciprocity expectations.
5. Establish and exchange information on the underlying interests.
6. Offer up information to help prime the data gathering effort.
7. Identify, categorize, and *prioritize* the interests.
8. If a good opportunity to share power arises, consider employing it.
9. Initiate option building by describing possible ways ahead. Continuously ask the Opposite about how they would proceed. Constantly engage the Opposite to elicit their ideas. Suspend judgment of any idea during the option-development process. Divergent thinking should predominate.
10. Use CT to improve/clarify/validate the various components of an option.
11. When it comes time to select the outcome, recap the prioritized interests. Refresh the Opposite on what the group agrees to as vital and important to selecting an option as a solution.
12. Using this "prioritized interest" selection criteria, begin culling out ideas not meeting the criteria. If an option fails the selection criteria, you might provide an opportunity to improve the option so it does meet the selection criteria.
13. Continue to cull the options that are low value-added or not supporting the selection criteria.
14. Offer an option as a potential outcome that meets both your prioritized interests as well as the Opposite's. Ask for comment/consent.

15. Once you select and vet the outcome against the selection criteria, start memorializing the agreement (simple handshake to formal contract). Before concluding the session, agree to any external review process before starting the agreement's execution (legal, religious, contractual, etc.).

16. Execute and agree to a process to handle execution disputes.

Cooperative Negotiation Strategy Worksheet (Basic)		
	You	**The Opposite**
Define the problem	Establish your initial understanding of the problem. Self-interrogate with CT* questions to clarify the scope, depth, and details of the problem and the desired outcome (solve, cope, treat, etc.).	Estimate their understanding of the problem. Prepare some CT questions to help you clarify the Opposite's perspectives on the scope, depth, and details of the problem and the desired outcome (solve, cope, treat, etc.)
Position	What is your initial position? How will you keep it as a mental focal point for your discussions? How might your anticipated position change/evolve during the negotiation?	Estimate the Opposite's initial position. Do they declare it? How will you steer the opposite from their position to their interests?
Aspiration point Reservation point	What are your aspiration/ reservation points?	Estimate the Opposite's aspiration/ reservation points. If they declare an aspiration point or anchor, are they still using CNS† or another strategy? If they are using another strategy, how might you adjust? If they are using CNS, how will you steer them to discovering their interests?
Categorized and prioritized interests	What are your interests and why are they important to you (prioritization)? Is there need to validate your information? If so, what is the cost in resources? How do I track the process? Whiteboard? Note taking? Electronic means?	Estimate your Opposite's interests. During the negotiation, ask the Opposite to describe their interests and why they value them. How will you help them identify, categorize, and prioritize their interests. Is there need to validate their information? If so, what tactic? If the Opposite makes a long list of interests, what questions will you ask to limit the interests to a reasonable length?

BATNA[‡] **WATNA[§]**	Establish your BATNA How do you protect it? How do you improve it? If mine is strong, do I reveal it? When/How might I reveal it? What is the absolute worst option that I would execute if the negotiation failed?	Estimate the Opposite's BATNA. Do I want to affect the Opposite's BATNA? How could I affect the Opposite's BATNA? If I revealed my strong BATNA and/or their weak BATNA, what would be the impact on the relationship? What is the absolute worst option that the Opposite would execute if the negotiation failed?
Basic agenda	Meeting: when, where, attendees, invitations, clearances, security, public affairs, open or closed forum, etc. Any pre-meeting agreements (basic principles of fairness, standards of behavior, accepted procedures, minutes from previous/related meetings)? Opening statement (Who goes first? For how long? Is there a specified purpose/limit or is the theme open-ended?) Is there anything that is non-negotiable, that would cause impasse or BATNA execution? How are the issues and potential solutions presented? Do we alternate the issues (they pick, and then we pick)? Do we make full offers? Do we move from easy to hard or hard to easy topics? Do you and/or the Opposite enter new items? (If so, is there a process?) How do your handle impasse? Do we have the ability to support extended breaks? Are third party comments/participation permitted to solve impasse? Would negotiators accept a facilitator or moderator?	
Selecting outcome or solution criteria	How often and when should we conduct interim summaries and other procedural practices? Industry standard? Precedence? Tradition? Law? Tests for validity of the solution? Prioritized interests?	
Outcomes or solutions that favor one party	Do you want the agreement to be "good" for the Opposite and "great" for you? If so, how much of the process (info, power, options) are you going to protect to make it great for you? Are you expecting them to advocate for themselves without your support? How will that affect the relationship and/or execution of the agreement?	

Building options for maximum mutual gain	Do you intend near full disclosure of information and as equitable as possible a solution? What are the limits of your information exchange? What are you expecting in return for this extraordinary (as compared to good/great above) effort
ZOPA**	What is the art of the possible for each subissue? What is the overall art of the possible for the overall situation? What are the impediments to explaining the full ZOPA? How will you addess them?
Outcome Solution **Method to memorialize the agreement**	Once the outcome or solution is selected, determine if a "post-negotiation-negotiation" is available. Handshake, culturally appropriate ceremony, handwritten note, email, formal contract What reviews/approvals/signatures may be requred to make the agreement enforceable? Under what conditions does the negotiation reopen?
*CT–Critical Thinking †CNS–Cooperative Negotiation Strategy ‡BATNA–Best Alternative To a Negotiated Agreement §WATNA–Worst Alternative To a Negotiated Agreement **ZOPA–Zone of Possible Agreement	

CNS Critical Thinking Planning Guide

Below is an expanded version of the CNS worksheet. It includes a range of CT questions to help you plan in depth. You do not need to answer all the questions, but you should consider how each question might help you plan more thoroughly.

Cooperative Negotiating Strategy Critical Thinking Guide		
Introduction: This is an expanded guide with an emphasis on a range of CT questions to help maximize the preparation and execution of a CNS negotiation. Not all questions need answers, but referencing this guide makes for a more deliberate process.		
	You	**Opposite**
Define the problem	Is this a new situation or the continuation of another situation?	Does the Opposite realize the need for negotiation? If not, how will you engage and motivate?
	Are there any “in-force” agreements?	Why might the Opposite be interested in the negotiation?
	What is your perception of the conflict? What are the major/minor issues?	Do they see it as a new situation or the continuation of another situation? Is there an “in-force” agreement to support the Opposite’s perspective?
	What is “our” position? If you had to choose now, what would you desire as an outcome?	What do you estimate their perspective is on the conflict? What do you estimate the Opposite considers as the major/minor issues?
Position	Is the position unique to a single organization, or must the scope of the position include other organizations (the other stakeholders)?	What is the Opposite’s position? If they had to choose now, what would they like as an outcome?
	What does your organization/chain of command/team want to have happen?	What does the Opposite’s chain of authority for their desired course of action (COA) look like? What do you think the COA that the Opposite desires is their “best position?” What have they not considered that you can leverage in the negotiation?
	What is the rationale for your position?	What is the rationale for their position?
	What is the best you might reasonably hope for?	What is the best the Opposite might hope for?

Aspiration point	How might the Opposite resist your aspiration point? What is the least you might accept?	Do you expect them to be rational with their aspiration point? What is the least they might accept?
Reservation point	How might the Opposite drive you to your reservation point?	What tools do you have to drive them to their reservation point?
Categorize and prioritize interests	Categorize and prioritize your interests How and when will you reveal those interests to the Opposite?	Estimate the Opposite's interests and categorize/prioritize them How and when will you discover and validate them during the negotiation?
	From your perspective, what are the overarching situational issues?	From the Opposite's perspective, what are the overarching situational issues? What do they think ours might be (avoid mirror imaging; strive to put issues in the Opposite's context)?
	Who are your "other constituents" or OIPs†?	Identify the Opposite's Constituents and OIPs
	What are their overarching issues (if any)?	What are the Opposite's OIPs' overarching issues (if any)?
	What are these OIPs' positions and interests?	What are the Opposite's OIPs' positions and interests?
	What are the Opposite's relationships with your OIPs?	What are your relationships with the Opposite's OIPs?
	Within these OIPs, who has power, why do they have that power, and how can you affect it?	Within the Opposite's OIPs, who has power, why do they have that power, and how can you affect it?
	From your perspective, what are issues specific to this region outside of the direct issue(s) that affect you, such as economic, political, cultural, etc.?	What is your estimate of the issues specific to this region outside of the direct issue(s), such as economic, political, cultural, etc., that might affect the Opposite?

Categorize and prioritize interests *(continued)*	From your perspective, what are the factors specific to this case (for example: AFI‡, SOFA§, laws, existing contracts/ agreements)	From the Opposite's perspective, what are their factors specific to this case (for example: AFIs, SOFA, laws, and existing contracts/agreements)?
	Are you seeking to maximize a gain or minimize a loss?	Is the Opposite to maximize a gain or minimize a loss?
	What are the ties/effects between issues from your perspective? (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 party's [i.e., constituent's] relationships change? How and why?)	What does the Opposite see as the ties/ effects between the issues?
	What does your side want the situation to be AFTER the negotiation concludes (what is/ are the long-term interest[s])? Do the constituents/OIPs share the same long-term goal?	What do you think the Opposite wants the situation to be AFTER the negotiation concludes (what is/are the Opposite's perceptions of long-term interest(s))?
BATNA[**] **WATNA**[††]	Determine your BATNA. What might be the "worst" (WATNA)?	Estimate the Opposite's BATNA Can they influence a constituent/OIP that can, in turn, exert influence on your BATNA?
	How much does the Opposite know about your BATNA? How do you protect your BATNA(s) from their influence?	Within each of the Opposite's BATNA(s), what action by you might trigger this event?
	With BATNA, how might your constituents/OIPs respond if you used your BATNA? How might the Opposite's contituents/OIPs respond to your BATNA?	How might the Opposite's constituents/ OIPs respond if the Opposite used their BATNA? How might your constituents/ OIPs respond?

BATNA[**] **WATNA**[††] *(continued)*	What are some of the second, third order effects of your BATNA that are undesirable to your position and/or interests? How will executing your BATNA affect your long-term relationship with the Opposite? With your constituents/OIPs?	What are some of the second, third order effects of the Opposite's BATNA that are undesirable to their position and/or interests? How will the Opposite executing their BATNA affect your long-term relationship with them? With their constituents/OIPs? If the Opposite has a weak BATNA, how might you reveal it to them?
Agenda	Who should build the agenda? What should it include and exclude? (when, where, attendees, invitations, clearances, security, dress code, support logistics, physical/medical/religious/dietary accommodations, public affairs, open or closed forum, joint or individual press releases, etc.) How will you exchange and coordinate on the agenda? How will you communicate any pre-meeting agreements (basic principles of fairness, standards of behavior, accepted procedures, accepted modes to present information, minutes from previous/related meetings)? Should the proceedings be recorded (video)? If only written documentation is allowed, in what language (both)? What topic might be strictly off limits? Are these automatic derailers? How might you avoid them? What is the expectation (solve, cope, treat)? How do you conduct expectation management?	

Agenda *(continued)*	What might the most appropriate approach for the body of the agenda? Going beyond "full proposal" or "issue at a time," consider: • Broaden/Narrow: Should you add or subtract issues from the table to help create a common interest? • Easy to hard: Find an easy issue to address (to build rapport and momentum) and then move to the harder issues. • Hard to easy: Tackle the difficult issue (most time/energy consuming when parties are at their best and most energized/motivated), and then the simpler issues can be resolved when time/energy is in shorter supply). • Turn taking: Each side gets to address an issue in turn. • One-text negotiation. Should there be an opportunity for opening statements? If so, what should it contain? Can there be opening comments made by agents away from the table (such as a senior commander making opening remarks/stage setting comments via video teleconference)? How will you use the opening statement (or negotiation opening) to frame the negotiation? What frame will resonate with the Opposite while supporting your goals? Examples of frames are: political, safety, economic, policy, social, equitable, equality, rights-based, law-based, precedent, engineering, personal appeal to emotions, sporting, historic, cultural, structural/process, power, realistic/idealistic, past/future)? Is there an action you can take at the opening of the negotiation to help develop trust (either to provide information and/or demonstrate sincerity)? Is there a preemptive concession that is low cost to you but high value to the Opposite that would help build reciprocity expectations? How will you manage breaks/caucuses? What do you need to address away from the table (informal/private negotiations)? If there is a meeting during a break and/or break/caucus, who goes? Do you send the principal or a representative? How long should this side meeting last? How will you handle unscheduled/abrupt actions (Opposite "walking out" over a perceived/real slight, etc.)? How will you offer trial balloons?

Communications	Will you allow back channel communication? Will they be confidential or open? Who goes to these meetings? What are they authorized to do/say? How appropriate are social activities as part of the negotiation? When it comes to rapport building, what are your preferred “who, what, when, where, and how much” parameters? Is there a need for an interpreter? If you need interpreters, who makes the arrangements? How do you communicate? Direct? Indirect? What does the Opposite use/value? How do you need to adjust to help facilitate the communication process? Do you make specific offers/options or keep the conversation general in nature? How do you communicate a yes, no, or maybe? How do you signal agreement/disagreement while maintaining/developing rapport? What is the utility of nonverbal communication? When you communicate a “no,” do you leave it as such or do you also include an alternative and/or explanation? How do you communicate that you are approaching your reservation point? How do you communicate your concern when you detect an Ethically Ambiguous Tactic?
Solution criteria	What tools are available? Whiteboards (who writes on the board, who memorializes the inputs)? Notepads (what happens to the notes after the meeting: collected/destroyed, etc.)? Electronic means (HUB, etc.)? Anonymous inputs (i.e., a HUB that takes anonymous inputs from linked laptops/Delphi techniques)? How will you develop and propose criteria for selecting an option as the solution? When do you do this (before or during the negotiation)? Selection criteria may include industry standard, precedence, tradition/custom, law, contract, memorandum of agreement/understanding, SOFA, and/or treaty. If prioritized interests are the agreed-upon selection criteria, how will the interests be discovered, prioritized, and recorded?

Solutions that favor one party **Building options for maximum mutual gain**	Do you aim for the agreement to be "good" for the Opposite and "great" for you? If so, how much of the process (information, power, options) are you going to protect to make it "great" for you? Are you expecting them to advocate for themselves without your support? How will that affect the relationship and/or execution of the agreement? If you pursue this, how will you determine what is minimally satisfying to the Opposite so they will conclude an agreement? Are you working common, complementary, and/or conflicting interests? How will you go about satisfying as many interests of both parties as possible? Do you intend for "near full disclosure" of information and as equitable as possible a solution? How will you start the near full disclosure process (data dump at the first meeting or incremental disclosure with an expectation of incremental disclosure from the Opposite)? What are the areas of maximum mutual agreement? What actions (or combination of actions) might support the attainment of this mutual agreement?
ZOPA	Identify the ZOPA[‡‡]. How might this change during your negotiation? Continuously test motives. Ask why the Opposite values something. Listen carefully and ask clarifying and follow-up questions. Separate assumptions from facts. Be prepared to add/delete/modify the positions/interests/BATNA etc. as facts are discovered. Understand priorities and why they are in that order. Ask how one alternative (combination of ideas) is better or worse than another. Be willing to continuously modify options to better meet interests. How much of your ego is vested in your preferred outcome? Be cautious of protecting your position. Protect interests, but be flexible on the position.

Outcome	Considerations when selecting an outcome, even if using prioritized interests as a selection criteria: Within the respective parties' constructs (civil, criminal, social, political, economic, etc.), what is the relevant regulation/instruction/law? It might meet interests, but it also might be illegal. Within the local area/region—are there regional criteria? Are there other examples within the region to use as a pattern for this outcome? Within bilateral documents/agreements (SOFA, etc.), does the outcome conform to these documents? Is there a need for them to conform? Within other international or regional documents/agreements/contracts, does the outcome conform to these documents? Is there a need for them to conform? Within international agreements? Is there precedent (where has this happened before)? Does the culture consider "golden rule" type criteria "do unto others . . . ?" Is there another "quid pro quo" criterion that is part of the social fabric and/or custom? How is it enforced? If a "post-negotiation negotiation" is acceptable, what are the timeframe, conditions, and agenda?
Method to memorialize the agreement	Handshake, culturally appropriate ceremony, handwritten note, email, formal contract, etc. Who will draw up the agreement? Is there a pattern or accepted protocol? Who announces the agreement, and how do they announce it? What is the role of media in the announcement (if any role)? Is there a ceremony assocated with this agreement? What are the expectations for post-negotiation interaction? Business only? Social and business? If both, how does one party signal the other as to if the meeting is social or business?

Outcome (*continued*)	What reviews/approvals/signatures may be required to make the agreement enforceable? Single (legal, political, religious, economic, personnel, policy, precedent review) or multiple reviews? What is the timetable? Is the review binding or advisory only? If reviews uncover unacceptable conditions, how will the parties reengage the negotiation? Is there a need to schedule recurring meetings during execution? What are the expectations for follow-on meetings and updates, etc.? When situations arise during execution, how will you handle them? Formal process? Informal conversations? What are the conditions for identifying a deficiency (or exemplary performance) in execution? If there is a deficiency in the execution, does that nullify the agreement or create a cause to meet and resolve the deficiency? What parts of this corrective action process can be included in the initial agreement (agree to non-binding arbitration, agree to an independent review, agree to meet with a facilitator, etc.)?
*COA–Course of Action †OIP–Other Interested Party ‡AFI–Air Force Instruction §SOFA–Status Of Forces Agreement **BATNA–Best Alternative To a Negotiated Agreement ††WATNA–Worst Alternative To a Negotiated Agreement ‡‡ZOPA–Zone of Possible Agreement	

CNS Negotiation Execution Critical Thinking Guide

Below is a CNS worksheet focusing on things you need to consider during the execution of a negotiation. Again, you do not need to answer all the questions, but you should consider how each question might help you adjust your process as the negotiation actually unfolds in real time.

Negotiation Execution Critical Thinking Guide	
Processes while at the table	Managing the process at the table • Managing your team—who will lead the discussion (you or many)? Who do you think will lead the Opposite's discussion (one or many on the Opposite's party)? • What frame will you use and reinforce? • How will you manage escalation of commitment (expectations changing as the negotiation progresses)? • How will you manage bias as it shapes perceptions? • How will you measure progress? Will you need interim summaries/agreements? • If you use devices (whiteboard, HUB, etc.) who do you have assigned to manage that device/technology? Have a plan to manage the information. If you discover information and there are members missing from the table, how will you ensure they get the information? • If you use specific techniques (Delphi method, etc.), how will you assure the Opposite is comfortable with that technique? • How do you/the Opposite call for an intermission? Should they be scheduled or as needed? Duration? • What comfort features are needed (food, beverage, lighting, paper/pads, electronic device support, etc.)? • What is the value of a facilitator to manage the process and/or record the negotiation proceedings (white board, single text, HUB, etc.)? Moving from option-building to closure • How do you plan to switch from divergent thinking (option development) to convergent thinking (solution selection)? A final summary? Final comments? As an example, something like, "If we can agree that we have several solid, workable ideas on the table, do we want to shift gears and see what we can execute, or do we need to work up some additional options?" If the decision is to continue building options, try to set a time/level of effort limit on it. Otherwise, you may. never exit this phase of the negotiation.
Processes while away from the table	Moving away from the table • Who goes to the "away from the table" meeting? • How do you manage communication with these stakeholders (who are not at the table) during the negotiation? • How much are you willing to discuss at an "away from the table" discussion? How will you backbrief your team? • How much latitude does the representative have when engaging in an "away from the table" discussion with an Opposite? How will they back brief the team? • How will you handle a request from the Opposite to engage in an away from the table session? • What is the support needed for away from the table discussions? Separate rooms? Special spaces? Is it a true caucus (limited attendance and recording) or an open session?

Impasse	• What in the TIPO* may be causing an impasse? • Are there positional issues causing the impasse? How can you change them? If there is currently no ability to see common ground, how do you reframe the conversation? • Is there a procedural cause to the impasse (not following an expressed/expected/implied process)? • Do you need to move to a more distributive style? Is there sufficient power over to engage in this strategy change? • Do you need to concede a point (comply strategy) to help the process? Will you make the concession "easy" or "hard"? • Do you need to "split the difference" on a sub-item (Settle strategy) to help the process? • How will the Opposite perceive your use of comply? Will the Opposite see it as sign of conciliation, cooperation, or weakness? • How might a third party help move past the impasse? • Would facilitation or mediation be an option? • Change location (perception of time/home court advantage?) • Change negotiators. Do different people need to be at the table? • Take a step back. Is there another part of the negotiation where you can flex to get past this impasse? Change timing of certain events? • Take a recess. • Defer issues that do not require agreement now. • Build incentives. • Reframe issues to play to interests.
Post-negotiation evaluation[2]	
Goal is to self-assess for future skills improvement	Outcomes • Compare the actual outcome against entire range of outcomes • What did you achieve as compared to the best you hoped for? • Was your outcome truly above your reservation point? • Was your outcome better than your BATNA†? Planning • How accurate was your TIPO? • How appropriate was the initial strategy selection? • How accurate were your estimates of the Opposite? • Did the negotiation follow the agenda? Why or why not? • Was the logistics planning adequate?
Can also act as a tool for mentoring others on negotiations	Overall Execution • Did you do any pre-negotiation? Were those agreements helpful to the full negotiation? • How effective was the rapport-building effort? • What transpired during the negotiation that followed the plan? • What were the causes of the deviations? Could you have prevented them or minimized their impact? • Did the Opposite frame the issues the way you anticipated? If not, what did you have to adjust?

Can also act as a tool for mentoring others on negotiations *(continued)*	• Did you stick with one strategy or change/adjust during the negotiation? What caused the change? • How well did you conduct expectation management? Did the Opposite expect a miracle that you could not provide? • How accurate was your estimate of the Opposite's positions/interests, aspiration/reservation points, anchor, and BATNA? • How effective was your opening? Did the Opposite react/respond as you expected? • Did you stick to the agenda, or were new items introduced? How did you manage issue escalation? • Was the discovery process of identifying/categorizing/prioritizing interests effective? Why or why not? Any surprises? • What changes did you accommodate and why? • What changes were unanticipated? Could you have predicted them with a modification in the planning process? • Was there true brainstorming, or were ideas prejudged? • What biases were evident? How did you manage them? Communications • What was the ratio of questions to statements? • What was the quality of the communications? Cordial? Open? Direct? Indirect? Nonverbal communications? • What role did emotional communications play? Was it helpful or detrimental? Why? • Did parties communicate to respond or communicate to understand? • Was there evidence of lapses in ethics and/or use of Ethically Ambiguous Tactics? How were they handled? • What were the attempts in leveraging the Cialdini effect?[3] • How willing was the Opposite with sharing information? Process • Did the location and time help or hurt the negotiation? • Were concessions/adjustments made on an equitable basis? Why or why not? • Were there any time pressures? How were they handled? • How effective was the ratification process? • Was post-negotiation negotiation used? How well did it work with extracting additional value? • Was the selection criteria effective? • What did you do that you should not have done? What didn't you do that you should have done? • Do you anticipate a good basis for follow-on negotiations should problems arise in execution? If so, why? If not, why not?

Post-negotiation evaluation *(continued)*	• What lessons can you extract from this negotiation to help mentor others? Successes failures, insights, etc.
[*]TIPO–Trust, Information, Power, Options [†]BATNA–Best Alternative To a Negotiated Agreement	

Notes

1. Hustead, "Achieving Victory through Strategic Management and Leadership," 146; and Unattributed interview with AFNC director, March 2018.
2. Craver, *Effective Legal Negotiation*, 210–13.
3. Cialdini, *Influence: Science and Practice*. 2–4.

Appendix G

Perspective in an Intercultural Negotiation

It is recommended you consider the questions in the worksheet below when you anticipate an intercultural negotiation. Realize you will encounter intercultural situations both in deployed and in-garrison situations. You do not need to answer all the questions but reviewing the questions will help ensure you do not overlook a key intercultural item that may affect your negotiation. The questions below ask you to examine and consider both the Opposite's culture as well as yours. Perspective taking is critical in an intercultural negotiation. You should answer the questions below in the following sequence.

1. How do you perceive the Opposite?
2. How does the Opposite perceive you?
3. How do you see yourself?
4. How does the Opposite see themselves?

Insights from these four perspectives should help guide your negotiation. What is critical is not what you think you are culturally but what the Opposite thinks you are—because that is how they will plan and act.

	Intercultural Considerations Worksheet
Cultural framework	SECTION I: Cultural architecture Note: For the purposes of this guide, the following terms that reference types of cultures are interchangeable: 1. Individualistic, low context, and egalitarian 2. Collectivist, high context, communal, and hierarchical The below provides a general description of several intercultural concepts. Note that culture is not an either/or situation. The terms used to outline the concept are the two outer ends of a spectrum addressing that concept. 1. Individualism as compared to collectivism 2. Task and relationship 3. Linear or cyclical orientation to time 4. The link between the past, present, and the future 5. Direct or indirect communication style 6. Risk-averse and risk-accepting cultures: how to manage risk (Note: Joint Knowledge Online coursework on cross-cultural negotiation available at http://jko.jten.mil/.)

Cultural framework *(continued)*	1. Individualism as compared to collectivism Overview: Individualism and collectivism is a spectrum representing the degree to which cultures regard the individual as independent of or dependent on his or her social group. For example, in individualist cultures, performance and responsibility are attributed to the individual, whereas in collectivist cultures, they tend to be associated with the group. Collectivist cultures value group cohesion over the praise or blame of individuals. In collectivist cultures, where the group establishes your identity, members will work to maintain credibility with that group. This is commonly referred to as "saving face." Although saving face is also a feature of individualist cultures, it is not central to their identity. Where a culture falls on the individualism-collectivism spectrum will affect its expectations from the negotiation process and its participants. Individualist: Values what one does/achieves as an individual. Independence is valued and compartmentalization of life is accepted. Individual needs may take priority over group needs. Competitive and rewards based. Individual is accountable for success and/or failure. **An Individualist—Mantra: Live to Work** Collectivist: Communal/ hierarchical groups value 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. Group is accountable for success and/or failure. **A Collectivist—Mantra: Work to Live** Here is another frame to understanding individualist/collectivist mindsets. When an individualist makes a decision, they first consider how it affects them and then consider how it affects the group around them. In contrast, when a collectivist makes a decision, they first consider how the decision affects the group around them and then how it might affect them as an individual. This orientation affects negotiation. Individualists and collectivists will negotiate differently. An individualist prioritizes and expresses their needs during the negotiation and will be more accountable for the outcome. Collectivists will negotiate up to the limit of what the group will allow him/her to negotiate. Accountability is also more diffuse. Since they only negotiated in accordance with the group norms rather than individual initiative, the group is accountable for the outcome, not the individual. 2. Task and relationship What is the negotiation's purpose: priority on "task" or on the "relationship"? Individualists see negotiations more as a task-oriented/problem-solving process. You meet to achieve an outcome (usually "solve"). You dissect problems into compartmentalized components, solve these components, and then reassemble a solution. Task-oriented negotiations usually leverage inductive reasoning (generalized conclusions from observing specific events/instances). Individualists may prefer specific legalistic documents (contract law).

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More task-oriented cultures, such as the US military, tend to emphasize goals and deadlines and are more willing to deemphasize relationships. Individualists may also consider the issue at hand in isolation rather than consider the larger context. A summative phrase: “Let’s solve this problem and move on.”
Collectivists, in contrast, see negotiations as social process to address a concern. Sometimes negotiations in collectivist cultures take on a negative connotation because it means that other, lower processes to address the issue have failed. They may approach the process with deductive reasoning (specific conclusions are drawn from generally accepted principles). Collectivists prefer general agreements without much detail. This allows for continuous contact during the execution to add detail to the tasks and manage risks, while maintaining the relationship, etc. Collectivists may also consider the issue at hand as only a step in a seemingly endless flow of engagements; everything is connected to everything. Previous issues affect this issue (baggage) and this issue affects other unforeseen future issues. An oft-expressed theme is: This problem is but one in a series of problems; let us examine the ideas and talk about it. In contrast, an individualist-based “solution” may not resonate in a collectivist culture as a true “solution." is not as critical. Additionally, the building and maintaining of a relationship is a necessary part of successfully executing the task and collectivists prefer to keep goals and deadlines flexible to accommodate the priority of this “relationship maintenance.”
Differences in task and relationship orientation will lead negotiators to view the purpose of the negotiation differently. In more relationship-oriented cultures, expect to devote more time up front to social interaction and other rapport-building activities, since maintaining the relationship will be a key to a successful negotiation. Key in collectivist cultures is the development of personal trust and generating flexible agreements that can adapt to unforeseen future events. This is perceived as a slow and inefficient process in individualist cultures.
Conversely, expect individualist cultures to get down to business quickly, sometimes at the expense of the relationship. Individualist cultures prefer detailed agreements with schedules and deliverables. Collectivist cultures interpret this task-oriented approach as rude, high-risk, and off-putting.
3. and 4. Linear or cyclical orientation to time and the link between the past, present, and the future
Overview: Cultures differ in how they value the relationship between the past, present, and future. Some cultures, especially ones with a long and tradition-rich history, deeply value their past. It forms the stable base for their identity. They seek continuity between their past and today and see the future as an extension of their past. Consistency in action is the benefit of this perspective; the culture must demonstrate that today’s and tomorrow’s actions are in some way consistent with their past. This is evident in their thought and practice. In thought, their discussions consult the past to help explain how they got to “today” and to frame what they see as their future. In education, they emphasize memorization of tradition. The elders are revered sources of wisdom because they have spent the most time in the past. They tend to be risk averse because they see that their collective history has more of an influence on tomorrow than do their individual actions. You can summarize this perspective with: “Why change if this has served us so well for so long?”
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Cultural framework *(continued)*	When it comes to negotiating, collectivists tend to value proposals that are an outgrowth of their past rather than radically new directions. Only a significant event that totally discredits their past (such as the defeat of Japan in WWII) would convince a collectivist culture to take a radically new direction in the future. On the other end of this spectrum, there are cultures placing much less value in the past and see today as a springboard for a new tomorrow. Usually, these cultures have a short history, without deep traditions. Valuing novelty replaces valuing continuity. In thought, each day is a new day and "starting from a clean slate" is an acceptable way to address problems. The education process values "questioning everything," seeking new ways to do old things, and writing historically unconstrained "white papers." The workplace respects its elders, but "fresh blood" is even more highly valued. When it comes to negotiating, individualists favor innovative proposals that that chart new paths; the link with the past is not as important. You may summarize this perspective with: "Let's change tomorrow because we can make it better." Individualists are linear timekeepers and emphasize punctuality and precise agendas. Time is mechanical and must be spent "wisely" on the immediate task. Time is also seen as marshalled resource—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 are relative timekeepers and emphasize time as a gift worth sharing to show respect for the other. Time with friends is more important than time spent on other matters. 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 as critical. 5. Direct (low context) or indirect (high context) communications? Individualists emphasize the meaning of words and precise choice of words. There is little emphasis on nonverbal contexts. Direct communicators present the truth plainly, even bluntly. The truth is more important than the relationship. "Don't take this personally; it's only business." Individualists prefer precise, legalistic language that nails down every detail and limits the possibility of misinterpreting the message. Collectivists emphasize the environment of the communication. Indirect language, hinting phrases, and signaling are tools to avoid offending either party (the saving and giving face process; helping sustain the relationship). Storytelling is common. Preserving the relationship is often more important than focusing on the truth. Nonverbal contexts are critical to understanding the message: "What is meant is not often said." Prefer imprecise language that allows the Opposite to develop their own interpretation of the message. This differing use of communications has a profound effect on negotiations. The collectivist communicator thinks they are being kind, preserving the Opposite's face, and developing a deeper relationship with the Opposite. The individualist Opposite interprets the collectivist as slow, evasive, vague, and misleading in their communications. Conversely, the individualist thinks they are precise, clear, and truthful in their communications while the collectivist Opposite misinterprets the individualist as rude, arrogant, and insensitive to people's emotional and relational needs.

Cultural framework *(continued)*	6. Risk-averse and risk-accepting cultures: how to manage risk Overview: Cultures vary in risk management. The availability of resources, such as money or material, directly affects the amount of risk a culture is willing to assume. Another factor is how a culture perceives setbacks. Risk-accepting cultures see setbacks as part of the learning process, while cultures that limit risk see setbacks as challenges to their identity, stature, and face. Another indicator of risk management is a culture's perception of who controls their future. In cultures where a person thinks they can significantly influence the future, risk-taking action is more acceptable. In cultures where the future is not within their control, risk-taking action is not valued. In that culture, why take a risk when you don't have the ability to influence the result? Individualists represent a perspective that embraces risk, especially if their culture has surplus resources. Through taking risks and enjoying success as well as suffering failure, individualists learn from their experiences and apply these lessons learned in follow-on implementation and corrective action. In the extreme, individualists say, "If it ain't broken, break it!" Change, progress, chaos, and turmoil are accepted components of life. Collectivists represent a perspective that is cautious, especially if their culture has more limited/restricted resources. By avoiding risks and minimizing exposure to loss, collectivists maximize face-saving and face-giving. Collectivists like to keep faith with something that has worked to ensure the survival of their culture for 5,000 years. Consistency and honoring tradition are valued components of life. When a collectivist negotiates, their careful, slow, incremental process to working problems is misinterpreted by the individualist as lazy, showing no initiative, and disinterested in facing the issue head on. 7. When a risk-embracing individualist negotiates with far-fetched ideas, long-range plans, and ambitious "stretch goals," the collectivist Opposite misinterprets this approach as arrogant, overly assuming, and elitist. When faced with a culture preferring a risk-averse approach, risk-embracing negotiators need abundant patience. Proposing ideas and options in incremental segments best manages your opposite's perspective on risk, will help build trust in the relationship, and will lay the groundwork for a cooperative solution.
Org Culture	**SECTION II** Note: The above section looked at intercultural issues with a focus on the person or a group of people. Below is a series of questions that examines a variety of organizational cultures (religious, governmental, business, fraternal, social, family/clan, etc.). • What is the organization's mission? How is it organized to do the mission? • Where do people in the organization get their guidance, resources, power, and authority? • Who depends on them? Who do they depend on?

Org Culture *(continued)*	• How do they interact and function? Is there an emphasis on hierarchy or egalitarianism? Who and where (co-located, geographically separate, or geographically isolated) are their formal leaders? Who and where are the informal leaders? How did they get to be informal leaders? • Is the organization growing, steady-state, declining, or collapsing? Why? • Where are their allegiances? What are their informal relationships with other organizations? • What do they prioritize/value the most? • Who do they normally cooperate with? Who is their competition/antagonist(s)? • What is their planning process? • What is their history with your organization? Below is a series of questions attuned to wide-ranging organizational cultures and factors that may influence their perspectives and actions. This series of questions looks at organizations from a macro, then micro, perspective. MACRO: What setting does the organization exist within? • Physical geography/climate • Natural resources available to the organization • Authority that grants the organization status, access to resources, power, legitimacy, etc. • Forms and styles of transportation • Forms and styles of education • Geostrategic relation with its neighbors. Who are historic “friends” and “enemies” • Outstanding “debts” (social, cultural, historical) owed to them or they might owe others • Members of a coalition (formal, informal, etc.) MACRO: Distribution/centralization of power • Is power centralized or distributed? Who built their systems? When were they built and why? • What is the basic type of government—how do the different branches communicate and decide? • Nature of the executive system, bureaucracy, judicial system. Who holds power and why?

Org Culture *(continued)*	• What is the basis of their law and legal system? • What is the structure of their social system and social mobility (from obligatory relationships to free association)? • What is the influence of religion on the individual and the social/political/economic structures/processe Are the region's cultural boundaries the same as their political boundaries (in postcolonial nation-states this is often not true)? If not, your political boundary (combatant command) perspective may not be seen as germane to a negotiator who values the cultural boundaries that existed long before the other boundaries were established. HISTORY MACRO: Development of land/sea resources • Who do they revere as national/regional heroes? Why? • What are their myths and legends? Do they have historical scores to settle? • Do they value or ignore their history? Is their history a source of pride or a source of shame? • Relationship with the US and other western countries? • Relationship with 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 their neighbors? • Does their history indicate a competitive, survival, or cooperative attitude with respect to their existence (we are here because we worked with others; we are here because we outlasted all attackers; we are here because we beat everyone who challenged us)?
Regional culture	MICRO: Community • Community layout/facilities. Are they isolated or integrated with the larger community? • Meeting areas. Are they open or restricted? Who is allowed into the meetings? Who is allowed to speak and when? What do they like to talk about and what is off limits? • What are the social opportunities to build rapport? Are there historic sites, legends, myths, traditions that elicit pride? • What are the local organizational relationships? Who is obligated to whom? Who is in competition with whom? • What would a stakeholder list look like? • Local allegiances (tribal, hierarchy, government, etc.)

Regional culture *(continued)*	• How do they define “neighborhood”? Is the “neighborhood” friendly or challenging? • What are their priorities? What do they have in abundance? What do they lack?
Culture Summary	MICRO: Social order • If something goes right, how do they distribute the credit (recognize the individual or the group)? • If something goes wrong, how do they assign accountability (to the individual or to the group)? How do they save face? • Is it a shame (internal compass) culture or guilt (external compass) culture? • Influence of religion? • Central and directive or secular and guiding? • Does the religion tolerate the existence of other religions? • Does the religion tolerate atheist or agnostic perspectives? • Is the religion evangelical or nonevangelical? • Role of elders/children/women in the religion? Who derives power from the religion? What steps do they take to preserve their power? Who suffers because of the religion? What steps are the disenfranchised taking (if any) to rectify the situation? Summative items: Know the Opposite’s history/education /background /preferences. Top Consideration: How does the Opposite and the Opposite’s people/culture view you and your “people?” Cultural underpinnings of this top consideration • Individualistic or collectivist? • Context/Communications: high context (indirect) or low context (direct)? • Time perspective: linear or circular? • Attitude towards risk? Solve, cope, or treat? • May this issue be treated distinctly and separately or is this part of a larger series of issues? • Relationships: formal or informal? What type of trust do they value? • Which has priority, task or relationship?

Culture Summary *(continued)*	• Which has priority, task or relationship? • Agenda: full proposal or approaching the negotiations an issue at a time? • Are trust-building measures in order? Do they have to know you before they deal with you (personal trust)? • Language: what language? The Opposite's/yours/an interpreter? • Outcome: Is preserving the relationship more important than attaining the "best" outcome or the agreement? Define what a "best" outcome might be for the Opposite. • Impasse: how might they respond to an impasse?

Glossary

Active Listening (AL)

AL changes the listener's role from listening to *respond* to listening to *understand*. When you listen to respond, you usually respond with a statement, usually one defending your position and discrediting their position. Ego plays a role in this defensive action. These statement-based responses tend to end a conversation. Conversely, when you listen to understand, you usually respond with a Critical Thinking question that reaches deeper into the Opposite's perspectives. AL starts by making the act of listening (attending) to the Opposite a disciplined, top priority; all other distractions are controlled or eliminated.[1] Second, AL involves a self-interrogation process where the listener asks themselves the following to help frame their follow-on question(s):

1. What else is there? What am I missing?
2. What frame am I using? Is there another way to look at this?
3. How and why am I reacting to the Opposite's information?
4. Why do they have this perspective? What is the background and context of their thoughts?
5. Is this perspective based on facts, feelings and/or assumptions? and,
6. How much trust do I have in this information? How can I best validate it?[2]

Anchoring

An anchor is your first attempt at a solution. Usually, your anchor is at or beyond your aspiration point but still rational. Expect your Opposite to anchor at or beyond their aspiration point. Normally, the more Power Over a negotiator uses, the more aggressive their anchor. Examples of an anchor include the manufacturer's suggested retail price on a vehicle or the higher headquarters suspense included in an email that tasks you to do something. Anchors are usually associated with the Insist or Settle strategies. The major difference is that the Insist anchor has no wiggle room (it's a "take it or leave it" proposition) and the Settle anchor allows for some wiggle room (a Settle anchor allows for the Opposite's counteroffer).[3]

Aspiration Point

This is the best each negotiator hopes to get. Carefully consider your aspiration point; do not pull it out of thin air. It should consider an optimum outcome based on the current circumstances. For example, the asking price for a house (the seller's aspiration point) is usually seasonally adjusted. Slow selling seasons (around holidays or during seasonally poor weather) usually brings down the seller's aspiration point. A realistic and useful aspiration point is usually rationally bounded (i.e., you should not aspire to get a car for free).[4]

Authority

The definition of this term is from Robert Cialdini's *Influence: The Psychology of Persuasion*.[5] People tend to agree or follow others in perceived or actual positions of authority. As an example, advertisers use actors portraying authority figures as they endorse products. These actors have no legitimate knowledge or expertise on the product (an actor portraying a "doctor" to sell a medical product), but they look the part and so transmit authority to the audience. In the military, a leader who is designated by a commander as the project lead or point of contact is usually attributed authority-based power. In a negotiation, attributing your information to an authoritative source increases its power. Bringing an authority (an expert, especially one the Opposite respects) to the negotiation is another way to leverage the authority concept.

Bargaining Range

This is the range between a person's aspiration and reservation points. Alternatively, a bargaining range may be the range from one's anchor to one's reservation point. Sometimes, the aspiration point and anchor may be the same, such as in the Insist strategy. Each negotiator should know their bargaining range and estimate the Opposite's bargaining range. If negotiators share information during the negotiation, the bargaining ranges may need adjustment. For example, negotiators normally share their anchor and aspiration point but do not normally share their reservation point. As a substitution, negotiators use the frequency and size of their concessions and counteroffers to telegraph their reservation point, and hence their approximate bargaining range.[6]

Best Alternative To a Negotiated Agreement (BATNA)

A BATNA is the best alternative action that you can realistically execute should a negotiation fail. A BATNA is an action taken independent of any involvement by, or permission from, the Opposite.[7] If you have the will, resources, and authority to execute this option, you have a viable BATNA.[8]

Bias

In negotiations, a bias is a personal or group tendency that interferes with rational or reasonable decision-making. People learn biases through experience or acculturation/indoctrination. Biases are also called prejudice. Biases can negatively influence effective CT or option-development during a negotiation.[9]

Bluffing

An Ethically Ambiguous Tactic (EAT) seeking to deceive the Opposite by either outright lying or making the Opposite believe you know something of value, when you really do not.[10] It is effective because it introduces doubt in the Opposite's confidence in their own information or doubt as to the amount of control they have over their information ("If they know that, what else do they know about me/the situation?").[11]

Coercive Power

Power gained over the Opposite by the real or perceived ability to cause harm to the Opposite. Key to coercive power is that the Opposite perceives the power as real and executable. The military negotiator must pay extra attention to the Opposite's inadvertent perception of coercive power; even if you do not intentionally display it or threaten its use—it is always in the background.[12]

Comply Strategy

One of five strategies in the Negotiation Strategy Chart (NSC). The Comply strategy reflects low task orientation and high relationship orientation. The negotiator aims to establish, preserve, or improve his/her relationship with the Opposite. In the Comply strategy, you transfer the problem-solving burden to your Opposite and tacitly indicate you plan to accept whatever Outcome they present. The Comply strategy means you are letting them achieve their aspiration point without protest or counteroffer.

Concession

A concession is something you give up to the Opposite while bargaining or negotiating.[13] It can be substantive, such as a price adjustment in a used car negotiation, or it can be an intangible (psychological), such as a promise to do something or offering an apology. You can make concessions unilaterally, without any reciprocal action or concession by the Opposite, or you can make your concession conditional. An example of a unilateral concession is a retailer offering a 15 percent military discount. There is no expectation by the seller that the military customer will buy more (or less) of the product based on the 15 percent discount. An example of a conditional concession is when the seller offers the following: "20 percent discount if you agree to buy at least $500 of merchandise. No discount is given for purchases under $500." In a negotiation, concessions shrink the bargaining range.

Consistency/Commitment

The definition of this term is from Cialdini's *Influence*: *The Psychology of Persuasion*. Psychologists have identified that people have internal and external consistency needs.[14] Internal consistency means people want to be consistent in what they do and/or say. They want to follow a logical and similar path between their past, present and future decisions. An example of internal consistency is a person who buys a certain brand product (Chevron gasoline) and continues to buy it even after the cost of the product has risen dramatically in relation to its competitors. In this situation, people rationalize this consistency with statements like, "It's worth the extra cost," even when presented with independent data which proves otherwise.

External consistency means people like to do what others do around them. One example of this consistent behavior with others is the use of the secret ballot. A secret ballot frees the individual voter from discovery by the other voters. Conversely, 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.

In a negotiation, you can leverage consistency by getting the Opposite to agree to some overarching principle(s) ("Any agreement must be fair" or "Any agreement must include a binding arbitration clause"). When the Opposite strays from any of the agreed principle(s), you can mention how their proposal violates something they have already agreed to.[15]

Constituents

Constituents are one of the three groups within the larger category of negotiation stakeholders (the negotiators, constituents, and other interested parties [OIPs]). Constituents are people or teams somehow connected to the negotiation (the issue at hand), but are not at the table. The negotiation's outcome will directly affect this group, so they are interested in a workable agreement, and may attempt to influence the process. They may be your boss, your teammates, friends, etc.[16]

Convergent Thinking

Convergent thinkers tend to see problems as obstacles to overcome. The problem is a target to be destroyed, defeated, or managed. Convergent thinkers are capable, rational, evidence-based problem-solvers, especially effective in a crisis. Convergent thinkers are good planners and efficient but, at times, may set their mind on one solution before the problem is fully identified. A convergent problem-solving process involves methodically eliminating options from the solution set as time passes in an attempt to efficiently get to a solution.[17]

Cooperative Negotiation Strategy (CNS)

One of five strategies in the NSC. The Cooperative Negotiation Strategy is the optimum opportunity to leverage the features of an interest-based negotiation process. CNS balances the mission/task and the relationships. CNS emphasizes the discovery and prioritization of interests on both sides, multiple option development, and selecting an outcome based on meeting the prioritized interests of the negotiating parties.

Critical Thinking (CT)

CT is a challenging concept to define, but an important skill to master. Simply put, a critical thinker looks at all parts of a complex issue or problem with a fair, open-minded, and bias-managed perspective.[18] The *Joint Staff Officer Handbook* describes the critical thinker as someone with 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." In execution, CT questions center on the *who*, *what*, *when*, *where*, *why* and *how much* questions. A question answered with a descriptive narrative is usually a CT question. A question answered with a "Yes," "No," or "Maybe" is usually not a CT question.[19]

Culture

The Air Force has adopted the following definition: "The creation, maintenance, and transformation across generations of a semi-shared patterned of meaning, sense-making, affiliation, action, and organization by groups."[20]

Deductive Reasoning

Deductive reasoning arrives at conclusions based on arguments anchored in an overarching principle. If subsequent evidence counters overarching principle, a deductive reasoner would dismiss the evidence from the argument. For example, Your overarching principle is taking any human life is absolutely unacceptable. For you, the death penalty within the criminal justice system must also be unacceptable. If someone presents evidence showing some murders are so horrific that the criminal must pay with his or her own life, you dismiss this as insufficient evidence to overturn the overarching principle. Also known as Cartesian logic.[21]

Demand

A "take it or leave it" statement. This statement of terms leaves no room for subsequent adjustment or responding to counteroffers, even if new, confounding information enters the negotiation. Often used in distributive and exceptionally positional bargaining.[22] For example, a group staff imposes a project with a firm "nonnegotiable" suspense date on a subordinate squadron. When the squadron replies to the group staff with new higher headquarters information stating their suspense slipped significantly, it is dismissed by the group as irrelevant and they stick to their original demand without explanation.

Distributive Negotiations

Based on limited resources where the parties divide what is "on the table" between them. It is a zero-sum approach to negotiations; for one side to gain value, the Opposite must be willing (or is forced) to surrender value. This is the principle underpinning the Comply, Insist, or Settle strategies.[23] Also known as adversarial bargaining.

Divergent Thinking

Divergent thinkers tend to see problems as opportunities. The problem is just the starting point to imagine potentially unlimited outcomes. Divergent thinkers are creative and spontaneous; they are comfortable with uncertainty and ambiguity. Divergent thinkers often dislike or are unable to select an outcome to the problem because a divergent problem-solving process involves continuously adding options to the table as time passes.[24]

Evade Strategy

One of five strategies in the NSC. The Evade strategy reflects low interest in both the relationship and task orientations. For a variety of reasons, the negotiator wants to avoid engagement. They lack one or more of the following: trust, information, power, motivation to tackle the problem, and/or knowledge of what the problem is all about. They also may see the status quo as better than any proposed or potential outcome. Often, negotiators Evade in hopes that future events will discontinue the need for this negotiation (overcome by events [OBE]).

Expert Power

Having high proficiency in how to perform a task or process and/or possess specific subject matter knowledge.[25] In the military, specialty codes and technical skills/qualification levels often give the military leader expert power in mission-related negotiations.

Framing

Framing is a method to explain, describe, or state a topic or concept. Framing involves choosing specific words and/or word patterns to build an image in the Opposite's mind. Negotiators use frames to improve their chances of success by helping the Opposite see the issue from a more advantageous perspective. The strongest example of framing is framing something as a loss or a gain. People are naturally risk averse; if you can frame it as a loss, people will react differently than if you frame it as a gain, even though the statistical evidence is identical.[26] Other frames include safety, financial, political, religious, operational, strategic, tactical, personal, professional, chronologic, historic, experimental, humorous, and/or custom/tradition.

Fundamental Attribution Error (FAE)

The fundamental attribution error (also called correspondence bias), is the tendency to attribute shortcomings and/or successes to things beyond your control and attribute similar events, when they happen to others, as something under their control. These judgments are usually automatic.[27] For example, if you are late for work, it is because the bus left without you or you got stuck in traffic (things beyond your control caused your tardiness). If a coworker is late for work, it is because they are lazy and/or unmotivated (things within their control caused their tardiness).

High Context Culture

High context cultures communicate in an indirect manner. In these cultures, the listener is responsible for understanding the meaning of a message. High context communicators convey meaning through context and delivery in addition to the words they use. This involves many implied and nonverbal components to the communication process. This messaging style can be very complex but is normally well understood by people *within* that cultural group—but not well understood by people *outside* the group. This is especially true when a low context culture attempts to understand a high context culture. As with any model, this is a rule of thumb. Examples of high context cultures include those in Africa, China, Japan, Latin America, and the Middle East. In a high context culture, the group is more important than the individual. Individuals derive their identity from the group's norms. Edward Hall's *Beyond Culture* is the basis for a discussion on describing culture using the high/low framework. Hall deals with a culture's communication styles and messaging.[28]

When I speak, please read between the lines to understand what I am saying.

Interest-Based Negotiations (IBN)

An IBN goes beyond *what* people *want* in a negotiation (their position) and establishes, through multiple processes, *why* they want something (their interests). IBN uses interests as a basis for developing potential solutions. IBN seeks to invent and expand the benefits rather than just divide what is immediately available. It searches for solutions based on mutually agreed upon rules and guides.[29]

Inductive Reasoning

Inductive reasoning arrives at conclusions based on gathering and assessing observations, data, evidence, and/or circumstances. For example, taking a human life is not an acceptable behavioral norm. However, there are times when compelling evidence (such as a criminal trial proving the torture and rape of an innocent child) justifies the death of the criminal based on the crime's viciousness, even if it violates a generally accepted cultural norm (e.g., taking the life of another is wrong).[30]

Influence Power

A compelling force you may apply to produce a desired effect on the actions, behaviors, and/or opinions of another. Influence power is usually a combination of reward and coercive power. A positive leveraging of influence power is through a good relationship with the Opposite. Because of the good relationship, influence power can become effective on both a rational and emotional level.[31]

Information

Information is facts, data, or instructions in any form that you initially collect, assess and then subsequently assign some sort of meaning. This information development process uses a preferred system of conventions, traditions, or thinking strategies. Data, when screened through context, creates information that can motivate subsequent action in a negotiation.[32] As you convert data into information, the process is distorted through heuristics and bias. Engaging in Critical Thinking helps manage the negative effects of heuristics and bias as you develop useful information in a negotiation.[33]

Insist Strategy

One of five strategies in the NSC. Insist reflects a low concern for your Opposite's wants/needs (relationship orientation) but a high priority for your task orientation. Through Insist, you intend to see all your outcomes met with little regard for the impact on the Opposite. The language of the Insist strategy is composed of demands and adversarial conversations. In the extreme, the anchor, aspiration point, and reservation point are identical.

Take it or Leave it

There is a second application (branch) of Insist unique to the military context. During a bona fide crisis, you may need to use Insist because you require decisive action, getting something done immediately with little information or consultation from the Opposite (in this case, the people you are leading). To minimize the impact on the relationship, during the crisis, you should take positive, trust-building actions before, during, and after you use the Insist strategy.

It's a Crisis—Today, we must do it MY way.

Interests

Interests are the reasons underpinning your (and your Opposite's) respective position(s). Interests tend to reveal values, beliefs, and priorities.[34] As an example on position, you are a unit leader and require everyone in the unit to carry a special card. This card guarantees them a free ride home, regardless of the situation, from anywhere in the local area (using either a cab or car service). That's *what* you want. The interest behind your position is due to your experience: You have lost loved ones at the hands of a drunk driver. You are willing to go to great lengths to prevent a reoccurrence. That's *why* you want your position.

Intercultural Competence

The Air Force adopted the following definition: "The ability to quickly and accurately comprehend a culturally-complex environment, and then appropriately and effectively act to achieve the desired effect." Being a competent intercultural negotiator means you can adapt the details within a negotiating process while remaining consistent with your goals and standards. If you are unable to accomplish intercultural competence, then either disengage from the negotiation or choose to accomplish your goals unilaterally.[35]

Integrative Negotiation

An integrative negotiation is part of a cooperative process. Within the cooperative process, an integrative negotiation takes the available resources and creates new and different combinations of value. This is a partnership approach, leveraging IBN to maximize group benefits. At the end of this integrative process, a distributive negotiation apportions up the solution set based on mutually accepted criteria.[36]

Interrogative

The key is that the interrogative asks a *direct* question. A sentence that asks an *indirect* question is not interrogative. For example, "SRA Gonzalez asked if anyone had seen the logistics delivery schedule for next week." or "Lt Combs asked if the overhaul schedule was negotiable." Neither of the two statements asks the question directly; they are a report of an action or observation.

Questions using *who*, *what*, *when*, *where*, *why* and *how much* are generally considered interrogatives because they allow for answers that can reveal interests and other underlying rational for whatever is being observed or experienced.[37] Interrogatives help convert data into information. For example, "SRA Gonzalez asked why the delivery schedule for next week included no consideration for inclement weather." or "Lt Combs asked how the overhaul schedule was impacting the ability of his Airmen to take leave." Both of these statements ask the question directly; they seek an explanation from the listener on the issue at hand.

Legitimate power

In the military, rank or position quickly reveals legitimate power. Legitimate power exists when you see the authority of others as legitimate, legal, acceptable, and/or enforceable.[38]

Low Context Culture

Low context cultures communicate in a direct manner. In these cultures, the speaker is responsible for establishing the meaning of a message. In low context communication, words hold more explicit and unitary meaning. Therefore, low context cultures use many words to precisely convey the entire meaning of the message (people attach little value to nonverbal expressions and/or the context of where the words are spoken). Examples of low context cultures include the Australia, Canada (English speaking), Northern Europe, and the United States. In low context cultures, the individual has more importance than the group. Individuals derive their identity from what they do/accomplish and don't rely on a group's norms as much as in a high context culture. Hall's *Beyond Culture* is the basis for a discussion on describing culture using his high/low framework. Hall deals with a culture's communication styles and messaging.[39]

I say what I mean and I mean what I say.

Multi-Party Negotiations

Multi-party negotiations occur between more than two parties. Multi-party negotiations can become very complex due to the building and abolishing of coalitions to advance an agenda or block an Opposite's agenda.[40]

Objective

An objective is a term specifically assigned to the Insist strategy. In the military sense, an objective is a singular goal with no leeway or modifications; it is something you must do to achieve your position. With the Insist strategy, your objective is the single item you want from the negotiation. In negotiation terms, it is the single point that reflects your aspiration point, reservation point, anchor, and demand.

Offer

An offer is a statement of terms that anticipates a counteroffer. It is more flexible than a demand.[41]

One-Text Negotiations

A one-text negotiation is a process where a party (usually a mediator or facilitator) takes responsibility for creating a working draft. Negotiators pass this draft (through the intermediary) back-and-forth for amendments/modifications. This process continues until the negotiators approve a final document. This process may be especially useful in multi-party negotiations. It is also a useful process when the negotiators prefer no direct contact due to significant issues with trust, relationships, and/or communications.[42]

Opposite

The person or group you engage with during a negotiation. Depending on the circumstances, you might call them a negotiation partner on one end of the spectrum CNS or an adversary/enemy on the other end (Insist: branch 1). When planning for a negotiation, realize the Opposite may or may not know that a problem exists or that there is a need for a negotiation. In this situation, you have a new first step; you must first convince the Opposite that a problem exists and motivate them to join the negotiation.

Other Interested Parties (OIP)

OIPs are one of the three groups within the larger category of negotiation stakeholders (the negotiators, constituents, and OIPs. OIPs have no direct relationship/association with the negotiators but are interested in the outcome because they may have to act based on the outcome.[43] For example, you are negotiating a schedule between operations and maintenance. This affects the operating hours for several other base teams (security, lodging, meals, emergency medical, first responders, safety, etc.) They are not directly involved in the negotiation, but should be a consideration in your planning, because your outcome affects them.

Outcome

An outcome is a specific term chosen for this guidebook. An outcome may be one of four things: (1) no agreement; (2) an agreement that solves a problem; (3) an agreement that treats the problem's effects/symptoms, but the underlying problem remains: or (4) an agreement that copes with the problem while minimally addressing (or even ignoring) the issue(s). This four-part definition is purposeful as most Western negotiators see all negotiations solely as process to solve a problem.[44]

Personal trust

Trust established between two people who share values (such as respect, human dignity, religion, or a similar work ethic, etc.). An example would be the type of personal trust between members of a tightly-knit flight of Airmen. Documents and rules do not codify personal trust; people develop and pass on personal trust through experience and exposure.

Position

A position is an outcome; what a person wants. It is an initial vision of that person's desired outcome. A negotiating position should not be haphazard. You should base positions on carefully developed interests, desires, or requirements. A position is usually an "actionable" item.[45]

Post-Negotiation Negotiation

This tactic is an effort to find any residual value in a negotiated agreement. Once you conclude an agreement, and if time is available, there is an opportunity to ask the following, "Is there anything we can negotiate further to either make both sides better off or make one side better off without harming the other?" This is a post-negotiation negotiations; a second look at the table to see if you and your Opposite can claim any additional value.

Power

Power has many definitions, but it can be conceptualized as simply the ability to gain desired outcomes. If you have power, you can get things done or achieve your desired goals. Power comes in many forms to include expert, reward, coercive, legitimate, and referent. You may also gain power through acquiring information and developing relationships.[46]

Power Over

Power Over is using power to coerce, dominate, and/or defeat the Opposite. A negotiator might feel defensive, powerless, and/or dependent if the Opposite is using Power Over.[47]

Power With

Power With is using power to support, energize, and/or work with the Opposite. This power is jointly developed and actively shared with the Opposite. By using Power With, the Opposite tends to gain confidence in the negotiation process and their negotiating partner. In the Cooperative Negotiation Strategy, Power With best leverages the ability of both parties to share information, which increases the potential for developing options for mutual gain.[48]

Procedural interest

A procedural interest addresses concerns over establishing a specific and logical sequence to accomplish a goal. When you negotiate with a procedural interest, you see a need to create a new process/procedure to replace a perceived/actual flawed process. When negotiating where procedural interests are a top priority, *how* you do things is more important than *what* you do.[49]

For example, a procedural interest might be a request by the Opposite to have an agreement reviewed by an outside authority (such as a cultural, engineering, financial, health, legal, and/or religious experts) to determine compliance with an accepted set of laws, regulations and/or precedent.

Process Trust

Process trust arises from a negotiator's confidence in the stability of established procedures, institutions, or structures. Examples include a culture's banking, contract, and/or legal systems. In the military, leaders can find process trust in the Service's Core Values as well as the Uniform Code of Military Justice and Inspector General systems.

Psychological Interest

A psychological interest looks for an outcome providing a non-material reward such as an apology or recognition of one's position. When psychological interests predominate in a negotiation, paying attention to what people *feel* is more important than *knowing* what they want. Relationship interests is another term for psychological interests.[50]

Reciprocity

The definition of this term is from Cialdini's *Influence*: *The Psychology of Persuasion.* Reciprocity is considered a powerful means of influence. People feel obligated to reciprocate (return) on a gift or favor even if the Opposite presents the initial gift or favor freely and without condition. This is the idea behind free samples. If you get a small sample at the store, you then tend to feel an obligation to purchase the product.[51]

Referent/Charismatic Power

Referent/charismatic power exists when people either highly identify with and/or greatly respect/admire another person.[52] For example, Mr. Gary Sinise has great referent power among DOD personnel due to his support of the military (through many activities such as the USO-touring "Lt. Dan Band" as well as his work with veterans' organizations).

Reframing

Reframing is communicating an idea in a new way or "frame" to broaden the perspective of the Opposite. Reframing is much more than restating an idea, it is stating it in a new way to change the discussion or interaction.[53] It is a way to counter "thin slicing."[54] For example, you are having problems explaining a cost saving measure (on rescue helicopters) to a coworker. Instead of stating it in dollars and cents, you reframe the discussion by describing the lifesaving benefits connected to this cost saving measure by talking of delivering a helicopter with higher readiness at a lower cost—and the more it flies, the more lives it saves.

Reservation Point

A reservation point is the least favorable option or offer that a negotiator might accept. For you, it is your bottom line in a negotiation. If your Opposite presents an option that is less appealing than your reservation point, you should execute your BATNA.[55] You may also refer to a reservation point as a resistance point.[56]

Reward Power

Reward power is power gained by the real or perceived ability to compensate your Opposite for their action or inaction. Many dictatorships use reward power to stay in power (i.e., subjects remain loyal to the leader, the leader will reward the subjects with pay, benefits, employment, police protection, and legal status that are denied to disloyal people).[57]

Scarcity

The definition of this term is from Cialdini's *Influence*: *The Psychology of Persuasion*. Scarcity is a classic way to summon a desired reaction.[58] This negotiation tactic pressures the Opposite into a hasty decision. You may hear, "offer is on the table for only the next hour." You act due to a fear of losing the opportunity.[59] People base this fear on the natural human aversion to loss. In sales, it is a car advertisement saying, "only two left in stock." This is trying to say that there are very few of these and this may be the last one. It infers you do not want to miss this deal. The idea of losing an opportunity to act motivates many into action. Hitting closer to home, the great toilet paper shortage of 1973 started through a rumor and several unrelated stories concerning pulp paper orders. However, in the context of the times (oil embargo scares and a plunging stock market) the "news" caused people to flood local supermarkets and empty the shelves of toilet paper for almost four months.[60]

Self-Serving Bias

Self-serving bias (related to the fundamental attribution error) is the tendency to attribute positive events to one's character but attribute negative events to factors that exist in the environment.[61] As an example, you experience the following two events:

- Positive event—You nail the marksmanship training during pre-deployment training. You attribute your shooting skills to your own awesomeness (internal attribution)!
- Negative event—You score poorly on marksmanship training during pre-deployment training. You attribute your weak shooting skills to the weather, the inaccuracy of the weapon's sights, and/or other external factors. It is not that you are a terrible shot; it is all those things beyond your control that "caused" your terrible score (external attribution).

Settle Strategy

One of five strategies in the NSC. The Settle strategy is used when task and relationship orientation are similar or equal and there is a desire to develop a quick, compromise solution. The Settle strategy leaves each party to "take care of themselves," but also for each party not to get in the way of their Opposite "taking care of their own business." You are not helping, nor are you hindering, the Opposite's attempts to come to a negotiated outcome.

Let's split the difference and call it a day.

Social Proof

The definition of this term is from Cialdini's Influence: The Psychology of Persuasion. Social proof is the classic concept of "everyone is doing it!"[62] You look at the behavior of the larger group and model your behavior after that group because you want to be liked or included in that group. This action reinforces the basic human need to "belong."[63] This form of influence can explain many positive or negative behaviors. This is why groups will dress alike or why parents buy their kids the "popular" toy at Christmastime.

Stakeholders

This is a broad group of people and teams within a negotiation. There are three classes of stakeholders. First is the most obvious, the actual negotiators at the table. The next are the constituents. They are people or teams somehow closely connected to the negotiation (the issue at hand), but they are not at the table. They will be directly affected by the outcome and need you to bring back a workable agreement. They may be your boss, your teammates, friends, etc. The third are the Other Interested Parties (OIP). These people or teams are also outside the immediate negotiation process, and feel the second and third order impacts of a negotiated decision.[64] For example, when two squadrons are negotiating the allocation of resources for a mission, the squadrons' Airmen are constituents, as your negotiated outcome *will affect* their workloads. The dining hall may be an OIP as a change in the mission hours *may affect* how they schedule their personnel.

Substantive Interests

Substantive interests are those material priorities in a negotiation. It reflects a desire for monetary or material reward.[65]

Sunk Cost Bias

A previous poor decision can influence your present decision. This is sunk cost bias. It is an attempt to recover the losses from past bad decisions. The future utility of the current decision takes a back seat when sunk cost bias predominates. Humans are the only animals who honor sunk costs. Cognitive dissonance, a desire to be consistent, and a person's natural aversion to loss, are major motivators behind sunk cost bias.[66] Sunk cost bias may be found in the popular phrase: "Throwing good money after bad."

Thin-Slicing

Thin slicing describes a decision made with limited information or "thin slices" of reality.[67] Thin slicing is useful for routine or often-rehearsed events and decisions, such as selecting a favorite restaurant for dinner. However, thin slicing can be very problematic if used as a decision-making tool in new, novel, or VUCA situations. This is due to the limits thin slicing places on your ability to:

1). See the entirety of a complex situation,

2). See all sides of an argument, and/or

3). Fully consider the interests of negotiating parties.[68]

Thin slicing resides in the Sys 1 processes.[69]

Unfounded Assertion

An unfounded assertion is a statement or claim made without any basis in valid support, reason, and/or fact.[70]

Volatile, Uncertain, Complex, and/or Ambiguous (VUCA) environment

The four elements of VUCA are:

1). Volatile. The situation and underlying conditions are unstable. The next change is not predictable and may occur suddenly

2). Uncertain. The links between cause and effect as well as the links between the individual pieces making up the situation are unknown

3). Complexity. The conditions are not linear. Not everything is visible. There are not only multiple pieces to the situation, but multiple levels to the situation (think tactical, operational, strategic or a similar model), each containing their own set of parts. Often the volume of information is overwhelming

4). Ambiguity. Few/no precedents to this situation exist. Few/no markers or guideposts are available to predict any future trend(s).[71]

Worst Alternative To a Negotiated Agreement (WATNA)

A WATNA is the worst estimate of a BATNA. In estimating your WATNA, maximize the weight of all 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 not have any cars you are remotely interested in, the next nearest dealer is 50 miles away, and your RateMyCar app has a 1 star (out of 5) rating of that dealership with over 200 reviews submitted.[72]

Zone Of Possible Agreement (ZOPA)

The ZOPA is the overlap between the parties' bargaining ranges. When there is no overlap of these bargaining ranges, there is no ZOPA, and therefore, there is likely no reason to continue a negotiation. For the negotiation to resume, at least one party needs to adjust their bargaining range that creates some overlap.[73]

Notes

1. Cohen, *Negotiating Skills for Managers*, 47–48
2. Hughes, *Leadership: Enhancing the Lessons of Experience,* 442–50.
3. Shell, *Bargaining for Advantage,* 159.
4. Schneider, "Aspiration in Negotiation," 1.
5. Cialdini, *Influence: The Psychology of Persuasion*.
6. Mitchell, *Core Negotiating Concepts,* 4
7. Fischer, *Getting to Yes*, 99.
8. Fischer, *Getting to Yes*, 100.
9. Kahneman, *Thinking Fast and Slow*, 59–70.
10. Lewicki, *Essentials of Negotiation*, 178–88.
11. Lewicki, *Essentials of Negotiation*, 186; and See https://www.airuniversity.af.edu/AFNC/ for more information on Ethically Ambiguous Tactics (EAT).
12. Corvette, *Conflict Management*, 139.
13. Lewicki, *Essentials of Negotiation,* 42–46.
14. Cialdini, *Influence: The Psychology of Persuasion*.
15. See https://www.airuniversity.af.edu/AFNC/ for an example of how this might work in an intercultural negotiation.
16. Cohen, *Negotiating Skills for Managers*, 72–73.
17. Hughes, *Leadership: Enhancing the Lessons of Experience*, 179–80.
18. Paul, *Critical Thinking Competency Standards*, 7.
19. See https://www.airuniversity.af.edu/AFNC/ for more tips on Critical Thinking and Active Listening.
20. Negotiation Center for Excellence, *Negotiation Terms*.
21. Herr, *Source Book for Teaching Science;* and Bernhard, "What Type of Thinker Are You?"
22. Fisher, *Getting to Yes*, 13.

23. Lewicki, *Essentials of Negotiation,* 27–54
24. Bernhard, "What Type of Thinker Are You?"
25. Lewicki, *Essentials of Negotiation*, 152.
26. Bazerman, "Negotiator Judgement," 197–200.
27. "Fundamental Attribution Error," video.
28. Hall, *Beyond Culture*.
29. Cohen, *Negotiating Skills for Managers*, 5.
30. Bernhard, "What Type of Thinker Are You?"
31. Shell, *Art of Woo*; and Cialdini, *Influence: The Psychology of Persuasion* 29–58.
32. Joint Publication 3-13., *Information Operations*.
33. Kahneman, *Thinking Fast and Slow*, 79–96; and Fisher, *Critical Thinking*, 47–60.
34. Lewicki, *Essentials of Negotiation*, 64; and Cohen, *Negotiating Skills for Managers*, 13–14.
35. See https://www.airuniversity.af.edu/AFCLC/ for more information about intercultural competence.
36. Lewicki, *Essentials of Negotiations*, 58–59; and PON Staff, "Use Integrative Negotiation Strategies."
37. Monro, "Interrogative Sentence."
38. Corvette, *Conflict Management*, 137–38.
39. Hall, *Beyond Culture*.
40. Corvette, *Negotiation*, 10–11; and See https://www.airuniversity.af.edu/AFNC/ for more information on multi-party negotiations.
41. Cohen, *Negotiating Skills for Managers*, 119-20; and Goldman, *Psychology of Negotiations*, 89–90.
42. Rubin, "Some Wise and Mistaken Assumptions About Conflict and Negotiation," 11.
43. Cohen, *Negotiation for Managers*, 72.
44. Interview with an Air University PME International Fellow, November 2007 [unattributed interview]. The Solve, Cope, Treat was relayed to the author by an International Fellow from a high context culture describing what it was like to work with US DOD professionals (officer, enlisted and civilian).
45. Cohen, *Negotiating Skills for Managers,* 6–7.
46. Corvette, *Conflict Management*, 136–37.
47. Lewicki, *Essentials of Negotiation*, 150–51.
48. Lewicki, *Essentials of Negotiation*, 150–51.
49. Lewicki, *Essentials of Negotiation*, 65–66; and Moore, *Handbook of Global and Intercultural Negotiation*, 89.
50. Moore, *Handbook of Global and Intercultural Negotiation*, 89; and Lewicki, *Essentials of Negotiation*, 65.
51. Cialdini, *Influence: The Psychology of Persuasion*.
52. Lewicki, *Essentials of Negotiation*, 154.
53. Ury, *Getting Past No*, 78–104; and Kaufman, "Frames, Framing, and Reframing."
54. Gladwell, *Blink*. 18–47.
55. Raiffa, *Art and Science of Negotiation*, 45–46.
56. Lewicki, *Essentials of Negotiation*, 34–36.
57. Lewicki, *Essentials of Negotiation*, 152–59.
58. Cialdini, *Influence: The Psychology of Persuasion.*
59. Shell, *Bargaining for Advantage,* 178–81.
60. Shell, "The Great Toilet Paper Scare of 1973."
61. Forsyth, "Self-Serving Bias," 428–29; and Boyes, "The Self-Serving Bias - Definition, Research, and Antidotes."
62. Cialdini, *Influence: The Psychology of Persuasion*.

63. Moore, *Handbook of Global and Intercultural Negotiation,* 89.
64. Cohen, *Negotiating Skills for Managers,* 72–73.
65. Lewicki, *Essentials of Negotiation,* 65; and Moore, *Handbook of Global and Intercultural Negotiation,* 65.
66. Leahy, "Letting Go of Sunk Costs."
67. Gladwell, *Blink*, 23.
68. Unpublished AFNC research cover sheet for common negotiating terms, 5.
69. Unpublished AFNC research cover sheet for common negotiating terms, 11–12.
70. "Unfounded Assertion" *Word Reference.com*.
71. Casey, "Leading in a VUCA World."
72. Notini, "Effective Alternatives Analysis in Mediation"; and Fisher, *Getting to Yes*, 103–11.
73. Lax, *3D Negotiations*, 88–89.

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