Military Education and Training in Conflict Analysis and Transformation

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Military Negotiation as Meta-Leadership: Engage and Align for Mission Success

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Air Force Negotiation Center
METCAT Paper No. 1

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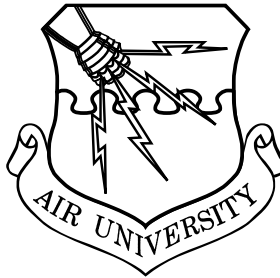
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Foreword

Military negotiation has not been treated as an area of significant research and training, for instance, as compared to business negotiation. Professor Matyók's work generates intriguing thoughts, laying the groundwork for an essential foundation in military negotiation. He identifies military negotiation as a unique, hybrid category of conflict transformation. He stresses that military negotiation models cannot be easily drawn from the practice of mere interest-based bargaining. Negotiation skills and knowledge should be considered as part of engaged leadership competency.

Professor Matyók's work presents strategies to advance negotiation education and training in the military. The work highlights the need to overcome many limitations presented by "how to" publication approaches to training. It points out the shortcomings of many business and legal negotiation models that tend to be mechanical, serving merely as a manual approach to skill building. A manual, mechanical approach to negotiation does not help people learn strategic analysis skills needed in negotiation.

To produce the desired outcome, Professor Matyók emphasizes that a practice backed by analysis (which is, in turn, sharpened by theory) needs to be promoted. His work presents innovative research agendas for specific characteristics of military negotiation in multiple domains. Negotiations are embedded in interactions in both professional and social life. However, military negotiation is more dynamic, in part, because its "processes and issues" are ambiguous. Military negotiation occurs in a unique operational environment and setting. Military actors often find themselves negotiating with noncombatants in hostile environments, interagency situations, international organizations, partner military representatives, and those from a host nation.

Understanding "strategic interaction" is essential, especially since the military faces a variety of settings it must navigate. As every situation may differ, negotiation strategies need to adapt to each new setting. The complexity of military negotiation needs to be understood in terms of how a military operational environment limits or expands choices made available to negotiators. Also, it must be understood how military negotiation transforms their relationship with their counterparts. This is succinctly articulated by Professor Matyók's focus on the four domains of military negotiation: civil-military, military-military, interagency, and the host nation.

Since negotiation is an essential part of organizational management, training and education are critical to improving a core leadership function. In particular, military negotiators need to have meta-leadership skills. Even though the military is a hierarchical organization, leaders still have to negotiate with

their subordinates to accomplish tasks. Persuasive skills and the ability to exert influence are needed for social engagement in negotiation. As engaged learners, meta-negotiators should have competency in emotional, cultural, and conflict intelligence.

The setting of negotiation is likely to be determined by the environment encountered by the military. Negotiating with other branches of the armed forces might be different from negotiating with a host government and its population. The shadow of armed violence affects military negotiations. In addressing challenges, for instance, of a peacekeeping operation in war-torn regions, obtaining local support is critical to controlling violence in Iraq and Afghanistan. In particular, operating in a hostile local setting might involve implicit bargaining or tacit communication with residents.

In presenting his model of military negotiation, the author points out the fact that winning without fighting is far more cost-effective. It can be better accomplished by a military leadership that possesses negotiation and strategic analysis skills. In terms of a cost-benefit analysis, a negotiator's persuasive skills can be far more effective in influencing an opponent than coercive tactics. Professor Matyók is a pioneer in research on the military context of negotiation.

In conclusion, the increasingly complex operational environment for the military demands a warrior-diplomat leadership model. Military negotiation should be viewed in terms of cultivating an engaged leadership that can achieve conflict transformation. Intellectual maturity and emotional intelligence need to be cultivated for successful negotiation practice, and that is fundamental to positive conflict transformation. The military curricula should include lessons on how negotiation fits into multiple military operational contexts. The author's timely call for negotiation education and training should not be ignored but instead be pursued for future generations of military leadership.

HoWon Jeong, PhD
International Negotiation: Process and Strategies

Abstract

This paper proposes a need for negotiation as an engaged leadership competency throughout the military. The paper speaks to the unique aspects of negotiation and conflict resolution in both benign and hostile military environments. When taking into consideration the *economics of defense*, negotiation provides leaders with standard grammar and processes by which to reduce the costs associated with decision-making and joint problem-solving. Discussed are strategies for operationalizing negotiation at tactical, operational, and strategic levels.

About the Author

Dr. Thomas Matyók is the director of the United States Air Force Negotiation Center and associate professor of Conflict Analysis and Resolution at the Air War College at Maxwell Air Force Base, Alabama. His research interests include military education and training in conflict analysis and transformation, negotiating with religious actors in conflict prevention and post-conflict reconciliation, and joint civil-military interaction.

Dr. Matyók was the chair and director of the Department of Peace and Conflict Studies Graduate Studies at the University of North Carolina at Greensboro (UNCG). In addition to teaching graduate studies in Conflict Analysis and Resolution at UNCG, Dr. Matyók taught at the United States Army War College, John F. Kennedy Special Warfare Center and School, Duke University Rotary Scholars Program, University of Konstanz (Germany) Department of Politics and Public Administration, and Nova Southeastern University Department of Conflict Analysis and Resolution.

As a visiting research professor and senior fellow at the United States Army Peacekeeping and Stability Operations Institute, Dr. Matyók's research and outreach responsibilities were in the areas of human security, strategic policy, and securing US interests in an era of persistent irregular and hybrid conflict. Dr. Matyók conducted high-impact, policy-relevant studies regarding the strategic environment, its principle strategic challenges, and the relative balance of national security ends, ways, and means to contend with them.

As a Fulbright Scholar in Konstanz, Germany, Dr. Matyók researched the role of international graduate student exchanges as an aspect of citizen diplomacy and national security. Dr. Matyók has written and co-edited nine books, dozens of book chapters, and peer-reviewed journal articles on multiple subjects that focus on conflict analysis and resolution.

Introduction

Military negotiation is understudied and undertheorized.[1] Certainly, education and training in interest-based negotiation (IBN) has been present in the military for some time. It is not uncommon for military leaders to be exposed to the concepts undergirding principled negotiation and the utility of win-win agreements; however, there is little research regarding the unique characteristics of negotiating in hostile military environments. There seems an assumption that existing business and legal approaches to negotiation, appropriate in the civilian community, can be easily transferred to a military context. Although IBN has utility in benign military environments, garrison, for instance, I suggest the military's war-fighting nature requires unique approaches to negotiating in battlefield environments. The goal of this paper is to contribute to an emerging discussion regarding that role of negotiation within the military as an engaged leadership activity.

Advancing negotiation as a leadership activity contributes to a nuanced understanding of the *economics of defense*. Both time and decision space have an economic value. Through negotiation, information is managed by a common problem-solving framework that creates the time-information space needed for decision making in complex operations. An expanded time-information space buys time for decision makers and increases time-space capital.[2]

Negotiation provides a mechanism for decreasing competition among actors while increasing collaboration; thereby, increasing time-capital. Agreed-upon negotiation processes provide a common grammar that individuals and organizations can employ in shared problem-solving activities to speed communication and structured decision making. This shared grammar approach builds buy-in to decisions at the front end and lessens the time used to arrive at a conclusion. Negotiation provides the structure needed to render competent judgment.

Recognizing that decision-making processes have an economical cost, leaders should openly embrace activities that can lessen those costs. Negotiation, when done right, is such an activity. In this paper, I propose negotiation is a theory-informed practice in which all military leaders should be competent; and that, in a military context, there is a need for a practice-informed theory that speaks to negotiation on the battlefield.

There is a need for military-focused education in the art and science of negotiation at all levels (tactical, operational, strategic, and political,) in order to advance US national interests within the economics of defense framework, as well as improve global human security. *Negotiation is an essential*

competency for senior and joint leaders. Today's operational environments oblige leaders to develop situational competence in coalition building and cross-cultural communications,[3] the foundational proficiencies of military negotiation.

The military routinely *aims at the target that has just gone by them*. It is not uncommon for individuals to hold on to past practices, hoping these approaches will be appropriate to addressing future problems. Dominant mechanistic, linear approaches to conflict resolution, through business-informed negotiation practices, are insufficient to meet the demands facing today's military leaders. Static, set-piece operational settings are extinct. Fluidity has replaced flexibility. We should avoid reductionist thinking and embrace the complexities and dynamism of modern conflict. It is essential to develop methodologies for living in conflict while simultaneously moving away from episodic responses to it. Negotiation as engaged leadership contributes to the construction of a conflict transformation culture within a fluid operational environment capable of responding to unbounded conflict.

- Negotiation should be viewed as part of an ongoing conflict transformation process;
- Negotiation provides a problem-solving grammar that contributes to the economics of defense;
- Negotiation is an invitation to open and continue a dialogue with those involved in the conflict;
- Negotiation is a circle where neither the beginning nor the end can be located;
- Negotiation is all about leadership.

Considering the wicked and fuzzy problems military leaders confront in today's world, the lack of research and education regarding negotiation as a core leadership function needed at all levels of the military is a shortcoming that requires immediate attention. Essential is practice-informed analysis that works to outline *military battlefield negotiation* as a unique, hybrid category of conflict transformation that includes conflict prevention, resolution, management, reconciliation, and mitigation, among other practices. It is my contention that military battlefield negotiation is as distinctive as other forms, such as bioethics negotiation, contract negotiation, and acquisition negotiation, among others.

Of necessity, the military writ large is called to move beyond the "how-to manual" approaches to negotiation education and training as a way of ensuring the force has the appropriate knowledge and skills needed to attend to

conflict's complexities and nuances in current and future operating environments.[4] Checklists and "an-app-for-that" approach to negotiations are not sufficient to address the difficulties faced by those working to affect the successful transformation of current conflicts.

Negotiation training in the military is frequently approached as a bargaining activity—the student on one side of a table and their opponent on the other—with practical exercises that center on a familiar problem, such as buying a house or a car. Indeed, much can be learned from this approach, and just as quickly, much can be lost. Set-piece bargaining approaches rely exclusively on interest-based approaches to conflict resolution. This comprises one small part of the negotiation in the military. An interest-based approach assumes all conflicts can be resolved when all that is really possible is a situational change.

Increasingly, military actors are asked to function as intermediaries who negotiate and mediate conflicts that arise between opposing actors in an operational environment. Today, the need is for military representatives to have cross-cultural negotiation *and* mediation competency. Conflict transformation is a planned activity that requires expertise on the part of those intervening in a confrontation. Negotiation is the tool used to change conflict positively.

It is about Conflict Transformation

Action without a focus is wasted effort. Acquiring skills outside of a given context can provide a pleasant feeling leading one to believe adequate conflict preparation is assured. This is only part of what is needed.

All conflict is embedded in a context. There is a reason for using skills, such as negotiation, mediation, and dispute resolution, and that reason is to positively transform conflict—to change the context within which conflict manifests itself. All conflicts have structures, internal logics, and grammars. Conflict transformation is about restructuring the conflict. There is a need to recognize how conflict transformation strategies and skills learned outside of a context may not be useful. The negotiation skills employed should be relevant to the field in which they are applied.

Military negotiations routinely occur in challenging and often hostile conditions and attempts to construct simplistic responses to multifaceted conflict transformation activities can unintentionally trivialize the challenges and complications with which military actors must contend. Increasingly, military actors are asked to address conflict using nonkinetic strategies; however, much of the education and training in the military focuses on

kinetic responses to conflict, leaving individuals unprepared for nonkinetic engagements.

Soldiers, Marines, Sailors, and Airmen have always been required to operate in two distinct worlds—the garrison and the battlefield. In this paper, I use the term *garrison* to describe activities that routinely occur in noncombat or nonhostile environments, which refer to day-to-day operations that replicate a nonmilitary workplace. Negotiations and mediations in this environment focus mainly on dispute resolution between employees and management—whether or not individuals are uniformed military or civilians. Dispute resolution rules the process. The *battlefield* speaks for itself and in this context includes humanitarian and disaster response missions. The actors who engage in battlefield negotiations and mediations are primarily uniformed military, and the environment within which they operate is incredibly complex; this concept is thoroughly addressed later in the paper.

Military-specific negotiation competencies needed on the battlefield to positively and successfully transform conflicts are not found in universal models. The negotiation models taught to the military are focused primarily on both business and legal environments and are heavily weighted toward interest-based approaches to conflict resolution, which leaves values and issues of identity unaddressed. A robust cottage-industry exists that teaches business and administrative dispute resolution skills. The military needs to extend the negotiation paradigm.

Negotiating the Terms in Use

An initial challenge in defining *military negotiation* as a hybrid form is the need to negotiate the meaning behind the terms. For this investigation, the term *negotiation* is inclusively employed. Approaches to conflict transformation such as mediation, facilitation, and dispute resolution are all present within the term *negotiation*. When addressing conflict transformation in this paper, the term *negotiation* is also used as a mechanism for articulating all forms of conflict transformation that rely on human interaction for joint problem-solving. Negotiation is further viewed as a core leadership function that informs all conflict change practices. Simply put, successful negotiation practice is fundamental to positive conflict transformation.

Conflict resolution is intentionally avoided within this paper. *Conflict Transformation* is the process that correctly recognizes the ongoing nature of conflict. Naturally, a conflict never ends; it transforms itself into different conditions. Ideally, successful negotiation leads to the mutual construction of a "better problem." Negotiation is an ongoing, joint, problem-solving activity.

Business and legal approaches to conflict transformation provide a good foundation upon which military conflict management processes occur; however, there is a need for caution when using transactional negotiation procedures to address all instances of conflict. Bear in mind that what may apply to garrison situations may not be appropriate for the battlefield. It is about applying the "right tool for the right job." Any tool employed at the "wrong time to the wrong problem" is the wrong choice. It is necessary for military professionals to develop the right tools to meet the challenges of modern, population-centered conflict.

Changing Character of Conflict

It is essential that negotiation as a conflict transformation and engaged leadership competency be placed in context. There have been tectonic shifts in how conflicts manifest themselves in the post-Cold War world. Interstate conflicts no longer dominate.[5] Intrastate, ethnic struggles have become the norm. As a result, the military is increasingly being asked to engage in responsibility-to-protect (R2P) operations. R2P missions occupy a space short of war, necessitating approaches to conflict transformation other than armed violence.[6] The full range of the continuum of force must be considered when negotiating.[7]

With conflict changing significantly in the post-Cold War era, peace building and stability operations activities, where negotiation is often nested, must take a *comprehensive approach* that engages all society in conducting peace operations.[8] Sole military-centric answers to conflict no longer exist. Conflict's character has changed while leaving its nature intact. Competition and conflict lead one to the other in rapid succession.[9] The methods for dealing with this rapid movement from one condition to the other must keep pace. We have entered a period where conflict and competition have intensified exponentially, and the distance traveled between each shift decreases with each iteration. The meaning of war remains constant—to impose our will on the enemy; however, what has changed, is the intensity of conflicts short of large-scale combat. War as traditionally defined in our past, has ended, and we have transitioned to war among the people.[10]

We are in an age of persistent conflict. Conflicts today have no conclusion. Multigenerational struggles define the current era, and for this reason, it is recognized now that conflict work is challenging and will continue to be increasingly difficult in the future. We must ask ourselves: What is on the other side of the horizon? How are we prepared for what cannot be seen? Do we have the right tools for the job?

With the military engaging in an increasing number of stabilization deployments, it is vital to recognize how peace operations are multidimensional and require military actors to function within existing networks. This necessitates competency in horizontal, engaged leadership. Negotiation skills are the *sine qua non* of successful operations in complex, conflict-affected environments.[11] In densely populated spaces, nonkinetic and nonlethal responses to conflict are increasingly crucial as war transitions from massed armies to being conducted within populations.

Constabulary assignments for military actors are increasing. As conflict changes, so must military responses. There is an increasing necessity for military actors to understand the effectiveness and long-term value of noncombat responses to conflict transformation.[12] The nonkinetic is playing a more significant role in military answers to conflict.[13] Increasingly recognized is the observation that "armed force is infrequently used in direct intervention."[14] Networked responses in the human domain can be more important than direct combat operations. Today's military leader should be as competent in negotiation as he or she is in *the controlled application of violence*. Competency in both is vital for mission success.

Contemporary, complex military operations transpire in *chaordic* settings that do not easily lend themselves to being controlled.[15] Chaos and order coexist in the complex environments within which the military operates. It is crucial for today's leaders to recognize the limits of *power-over* responses in a networked, horizontally organized world.

In this paper, I concentrate primarily on negotiation in violent and violence-prone operational environments, as well as during responses to natural and man-made environmental crises referred to as humanitarian assistance/disaster response (HA/DR). My focus is on *battlefield negotiation*. There is the recognition that multiple actors populate today's battlefields, and direct combat between military combatants is only one dimension of the fight.

Not only must the military dominate the kinetic aspects of conflict, but also it must develop an *intellectual lethality*. The need is for military actors to maintain an ability to *out-think* opponents. In conflict transformation, this means that every Soldier, Marine, Sailor, and Airman should understand how to negotiate and mediate in an operational environment at the *speed-of-relevance*.

It is about Leadership

Military negotiation is *engaged leadership*. It is a critical skill for mission accomplishment in a world where power and control are giving way to coop-

eration and collaboration.[16] Vital is the need to include military-informed negotiation education and training in all levels of professional military education (PME), where education builds new knowledge based on research, and training orients on skills development. Military leaders must be prepared to step away from power-over responses to conflict and negotiate the unexpected. Negotiation is a form of improvisational acting. An essential requirement is for all leaders is the development of "strategic imagination":

> in war, conditions are complex. There are relatively few binary conditions or outcomes, and this complexity increases as one moves from the tactical to the strategic level, where every answer seems to begin with, "It depends." Effective leaders have the tools to persuade, influence, or, if necessary, coerce, and compel others to recognize, accept, or seek alternative strategic conditions.[17]

For victory in today's complex conflict environments, military leaders are obliged to increase their capacity to deal with others from multiple organizational and cultural backgrounds. Just serving in a command role is not enough.[18] Influence is the new currency. Negotiation is an interpersonal engagement that seeks to influence the behavior of another individual or group. The ability to influence and persuade becomes more critical than command and control (C2) in a networked world.[19]

C2 works to keep a situation within bounds. The military regularly tries to work itself out of collaboration and coordination problems through command. This approach to conflict does not maximize the use of the resources available. A C2 approach to conflict is an outcome of Industrial Age thinking. In this Information Age, control can only be achieved indirectly. Higher-level military authorities can no longer impose it. Today, control is a result of influence where the behavior of independent agents is moved to support and deliver mutual gains.[20]

A military leader soon recognizes his or her span of control is somewhat restricted, and leaders' efforts are primarily spent working to influence those over whom they have no direct authority.[21] An emerging *engage-and-align-approach* to leadership compliments top-down C2. As policymakers focus on deploying smaller military contingents to conflict zones than in the past, there is an increasing requirement for others to do more, meaning less reliance on vertical C2 structures and more focus on horizontal forms of leadership that rely on influence and persuasion. An engage-and-align paradigm emphasizes working "collaboratively, transparently, and candidly," where "leaders invite more people into the conversation."[22] As more people are invited to the table, frictions among actors can be expected to develop, and military leaders should be prepared to operate in these complex, multiparty, and multilevel conflict environments. Today's military leader is most im-

pactful when employing negotiation to persuade, build consensus, garner support, and demonstrate win-win outcomes that can grow and expand over time.

Peace Operations: Negotiating at the Speed of War

As the military increasingly engages in competition short of armed conflict, competency in conflict transformation activities ensures actors can align military and nonmilitary activities in conflict-affected locations. This alignment is vital as today's military increasingly performs peace operations, as well as humanitarian and disaster response missions that occupy a gray zone where neither war nor peace dominates.

The military negotiation setting is an operational environment within which the military is obligated to act. Examples include peacekeeping operations in the former Yugoslavia after a peace accord, obtaining local support in Somalia, or controlling violence in Iraq and Afghanistan. Negotiating with other branches of the armed forces, partner nations, or host nations (HN) might be different from negotiating with host governments and its population. Operating in a hostile local setting might involve implicit bargaining or tacit communication with indigenous actors. Military leaders work within a complex conflict ecology.

Context-appropriate transformation strategies in the military should be clearly defined to meet the requirements of the conflict ecology. There is a need to clearly explain a military conflict transformation structure within which conflict management, negotiation, mediation, and dispute resolution substructures exist as separate intellectual and practice domains. Though complementary, it is vital to recognize that all conflict analysis and transformation activities are uniquely different (see fig. 1).

Some view negotiation as a soft diplomatic skill, a skill not necessarily comfortable in a military environment where the primary emphasis is offensive and defensive operations tethered to hard power. The requirement to *fight and win the nation's wars* can avert leaders from recognizing the increasing demand for nonkinetic power—with approaches to conflict transformation. Clearly, "the emphasis in modern military operations is... on talking, liaising, and negotiating one's way out of a difficult situation, and on building working relationships within an operational area."[23] How will military PME curricula that focuses almost exclusively on the kinetic aspects of conflict catch up?

A superficial understanding of negotiation as a conflict transformation strategy, as well as shallow approaches to negotiation education and training,

can lead to ill-informed choices regarding military operations. Where negotiation education is present in PME, it is principally as single lessons nested inside non-negotiation courses at various uncoordinated levels of instruction. Or, often it is offered as an elective which ends up having a limited impact across a curriculum—considering the restricted number of students able to enroll in classes. Stand-alone, in-depth, negotiation core courses are woefully absent throughout PME. Existing approaches to teaching negotiation in PME cannot be viewed as "good enough" when preparing leaders for the demands of modern military operations.

Figure 1. Conflict Transformation. The figure shows a military conflict transformation structure with conflict management, negotiation, mediation, and dispute resolution as substructures.

With an increasing focus on cost-benefit, negotiation is a beneficial "soft" skill. Indeed, achieving military goals and objectives without fighting is the most cost-effective measure. Negotiation skills allow leaders to pursue multiple options through ongoing examination. Efforts expended negotiating and building constituencies committed to agreements is time well-spent. Negotiated arrangements at all levels are more likely to last than those im-

posed from the outside. Negotiation processes are about achieving enduring and elegant outcomes.

Current military negotiation education and training primarily flows from business and legal fields of study and practice with a heavy emphasis on IBN as a dispute resolution.[24] The goal animating dispute resolution in the military is the reduction of interpersonal conflicts within organizations in order to ensure a better workplace. Healthier workplaces are indeed a desirable goal. However, negotiation, mediation, and dispute resolution processes applicable in the workplace may be of only marginal utility in an environment where the threat of armed violence is constant. Taking workplace dispute resolution procedures "into the fight" is akin to taking the wrong tool to the job.

Research regarding negotiation in multiple military contexts beyond the workplace is much needed.[25] Business and legal methods for conflict resolution rely on the application of a rational actor model. Transactional approaches to negotiations can ignore cultural dynamics.[26] Soldiers operate in bargaining contexts that have little to no similarity with business and legal contexts.[27] Education and training that currently exist in the military are primarily cobbled together from work conducted outside of a military framework. There is a need to recognize that Soldiers negotiate in contexts entirely different than those addressed by business and legal actors.[28] Military leaders must assume responsibility for defining military negotiation in a battlefield setting.

Business and legal approaches to negotiation, mediation, and dispute resolution offer Industrial Age mechanistic models. The models are the equivalent of intellectual assembly lines. There is little need for Information Age critical or creative thinking, as mechanistic conflict resolution processes require only mastery of implementing a scripted interaction that is opening remarks, storytelling, discussion, or agreement. Chaordic is the new normal in the operational environment.[29] Information moves at the speed of light, and military actors operate in fluid situations where change is constant. In many ways, military negotiation occurs in environments where actors are required to *build the negotiation ship while sailing it*, and simultaneously sailing on chaotic seas. In this operational environment, chaos and order occupy the same space, and mechanistic conflict transformation models such as battlefields, are of limited utility.

Negotiation as Engaged Leadership Competency

So, in summary, it is about leadership. Negotiation is the engagement activity through which leaders influence and persuade others—often outside

their sphere of control—to achieve mission goals and accomplish objectives. Of specific interest to the military is *cross-cultural negotiation* and how persuasion impacts leadership.[30] Considering the military's unique mission to fight and win the nation's wars, there is a recognition that:

- Wars are fought and won or lost by people working together in small groups located at every level of the command hierarchy: the infantry squad in the field, the aircraft mechanics in the hangar, the technicians in the engine room of a nuclear submarine, and the Joint Chiefs of Staff in the boardroom;"[31]

- Strategies that require US forces to act by, with, and through HN security forces increases the need for individuals with cross-cultural negotiation skills.[32]

Battlefield Negotiation

Battlefield negotiation is not an alternative dispute resolution (ADR). ADR has been present in the military since the passage of the 1996 Administrative Dispute Resolution Act. The focus of ADR in the military is primarily on the cost-effective resolution of workplace and contract disputes. The USAF and US Navy have been at the forefront of implementing ADR, and the Army has a fully-developed ADR program as well.

Negotiation and mediation are similar activities. It is essential to accept that negotiation is a core leadership function, while mediation is a management activity. Mediation focuses on the successful resolution of disputes. Disputes are defined, and individuals can address them using linear, rational, actor-based models that have a beginning and an end. Triangular joint problem-solving is a defining model of mediation.[33]

As conflict transformation, negotiation, mediation, and ADR continue to mature within a military context, a military-specific body of negotiation knowledge needs to develop. Absent from the literature in any meaningful way is research regarding military negotiation. Business and legal analysis regarding the conflict transformation trinity offers a good foundation for those engaged in defining and building a body of knowledge that speaks to military conflict transformation processes. However, more information needs to be researched and written about.

Military negotiations occur in the shadow of armed violence. This shadow falls uniquely on military negotiators. Military actors often find themselves negotiating with noncombatants in hostile environments.[34] Additionally, they interact on an interagency level, with international organizations, partner

military representatives, along with those from the HN. Working with "foreign militaries is a high priority mission,"[35] where cross-cultural negotiation skills are mandatory. This unique multiparty context exists outside of both business negotiation or mediation settings that are well-defined by roles, scripts, and agreements regarding how a negotiation or mediation process will proceed.[36] Military negotiators work in unstructured settings where they are required to think creatively and innovatively. Battlefield negotiators often conduct negotiations under "duress, physical threat, and armed intervention."[37] There are no templates or established processes for a military negotiation. Instead, military negotiators are obliged to "develop (an) adaptive capacity and mental agility" as a way of accommodating the "complex set of roles" they are required to play.[38]

Contributing to the unique nature of military conflict transformation processes is the constant need to account for violence in a negotiation or mediation setting. When the military negotiates, it is because direct violence, or the threat of it, is already present. Military negotiation must always consider and manage emotion, history, and hatred present in battlefield contexts. The issue of violence separates military negotiation from all other types of negotiation. Death and dying are potential outcomes of failed conflict transformation processes, and this is not usually the case in business and legal dispute resolution practices. IBN strategies are of limited use when there are no overlapping interests. Existential and value concerns cannot be negotiated away through transactional practices. Simply put, life is more complicated than IBN.[39]

Missing from a military conflict transformation narrative is a discussion of ways to negotiate when at an impasse, environments have become unstable, institutions and structures for dispute resolution are absent, or there is no shared common understanding of conflict transformation practices, such as negotiation.[40] In this chaotic space, IBN breaks down, and an overreliance on static, transactional, business and legal models of dispute resolution can prove inadequate to the task of nonviolent conflict transformation. When military actors find they do not have the skills to engage in fluid negotiation settings, they can quickly revert to what they know—direct combat.

Considering the exceptional characteristics of conflict transformation in the military, one must ask:

- How is negotiation education and training presented to the military?
- Are professors merely reading negotiation books and then teaching the business-centric material to military students?
- How is negotiation in the military contextualized?

- What is the scholarship informing military negotiation?

- What is the established research?

- What is available to support professors?

These are some of the questions that must be answered in order to develop and sustain a military-centric negotiation education and training program.

Frustrating attempts to develop military negotiation as a form of strategic interaction is the absence of an accepted and expanding academic canon of military negotiation education.[41] Negotiation competency is primarily obtained ad hoc. Individuals focus on developing negotiation skills when needed, not necessarily viewing negotiation as a life-long learning activity. Without a disciplined approach to the study and practice of military negotiation, it becomes a somewhat ambiguous activity, allowing anything to define it. Also absent is a standard negotiation education structure, and as a result, there are not any universally accepted military negotiation standards.

Military negotiations occur regularly in ill-defined spaces where issues and processes are often unclear, contradictory, and contentious. Negotiators in the *real world* frequently fail to follow scripts and adhere to designated negotiator roles as outlined in a myriad of negotiation and mediation texts. The absence of an accepted negotiation canon in the civilian world further frustrates attempts to define military negotiation as a unique and hybrid form.

Military negotiators in Iraq report being primarily "self-taught," having to develop negotiation strategies that went beyond *the textbook*.[42] This self-educated approach to negotiation education and training is inadequate. Cross-cultural negotiation in military contexts has become a "mission-essential task" and "a critical core leadership competency."[43] Needed across the military are adaptive leaders capable of negotiating in "conditions of complexity and uncertainty."[44] Merely instructing military leaders using general knowledge negotiation books heavily weighted toward business and law is *not good enough*. Mechanistic approaches to negotiation are shortsighted and fail to recognize the complexity of human behavior.

Acknowledged is the fact that "soldiers are professional combatants, not professional negotiators."[45] A consequence of this recognition is that military negotiation is often approached as a part-time activity, and individual training focusing on the development of conciliation skills is frequently at the entry level. Training exclusively for combat operations detracts from the need to develop skills for nonkinetic engagements. However, mastery of nonsecurity sector negotiation activities is vital for successful assistance to partner nations.[46] Moreover, mastery of nonkinetic approaches to conflict is playing an increasingly significant role in military operations.[47] Air Force personnel re-

turning from assignments in Iraq and Afghanistan report they would have benefited from education and training in "influencing others; negotiating with others; (and) resolving conflict."[48]

Negotiation is a meta-leadership activity.[49] Leadership theory and practice struggle to keep pace with changes in the organizational structure. Flat organizations in the military are becoming the rule, and tribal relationships dominate. Hierarchical approaches to leadership are of partial value. Leaders are now obliged to lead up, down, and across organizations simultaneously.[50] Organizational boundaries are not what they used to be. Structural changes within military organizations reflect ongoing societal shifts. Authority is no longer vertical, where power and control intersect; instead, horizontal leadership provides a structure within which power is balanced among all actors.[51]

Military Operational Environment

Changing global antagonisms, and the pervasiveness of hybrid conflicts around the world, call for innovative, whole-of-society approaches to conflict transformation. There are no exclusively military-centric responses to today's conflicts. Military operators must discern the utility of force in various horizontal and vertical operational environments and be prepared to implement nonkinetic, context-specific responses to conflicts.[52] Hill and Douds note that in war, conditions are complex. There are relatively few binary conditions or outcomes, and this complexity increases as one moves from the tactical to the strategic level, where every answer seems to begin with, "It depends." Effective leaders have the tools to persuade, influence, or, if necessary, coerce, and compel others to recognize, accept, or seek alternative strategic conditions.[53]

An aspect of changing global antagonisms is the increasing need for military individuals to engage in creative responses to conflict. Arguably, "in today's strategic environment, the US is far more likely to commit forces to stability operations than to major combat operations."[54] Competency in working with populations is essential for mission success.[55] Working by, with, and through multicultural populations calls for individuals to think creatively.

As mentioned earlier, military leaders function in two specific, yet complimentary environments: garrison and field. Garrison environments can resemble nonmilitary workplaces and share many characteristics of civilian spaces. In garrison environments, leaders can readily implement business and legal strategies for dealing with conflict. Popular business negotiation books can present military operators with useful tools for managing workplace conflicts.

In field environments, business approaches to conflict lose much of their value. The context in which military activities occur in the field do not have much in common with current management protocols. Leadership is the *sine qua non* of success in the field, and negotiation is a core competency for today's warrior-diplomat. Negotiation is a tool for conflict prevention, mitigation, and transformation in complex environments.

Human and organizational dynamics during a crisis addresses the need for skilled negotiators. There will be many pitfalls for leadership during multifaceted HA/DR missions. The density of actors and organizations that flood into a crisis add to overall "coordination complexity."[56] Operations following the 2010 Haiti earthquake illustrate the complexity and confusion that defines many HA/DR activities.[57] The competitiveness of agencies and actors in an operational environment can swing negotiations between cooperation and competition.[58] Structural issues, along with funding sources of nongovernmental organizations (NGO), can contribute to coordination problems. Nonmilitary organizations and their activities rarely have the personnel and organizational capacity of the military, and NGOs see themselves as responsible to their funders, not military leaders "on the ground." Also, during HA/DR, the military can follow a "when-in-charge, be-in-charge" operational model that can alienate nonmilitary actors.[59] The complexity facing military leaders is increasing, not decreasing. The number of nonstate actors present in military operational environments can be overwhelming.[60] To meet the challenges of this evolving humanitarian space, military leaders will need negotiation skills to influence the many actors over whom they have little control.

Complexity of Military Negotiation

Military leaders are increasingly obliged to follow a leadership model that recognizes the emergence of the *warrior-diplomat/thinking warrior*. The warrior-diplomat/thinking-warrior is:

- a strategic thinker;
- a teacher/instructor;
- a developer;
- highly educated;
- a high-achiever;
- has an understanding of the big picture;
- interested in technology;
- open-minded;

- persistent;
- an analytical thinker;
- a fast learner;
- a person with high integrity;
- a master of information processing;
- self-confident[61]

Warrior models of leadership that fail to recognize the need for heightened nonkinetic social activity responses to conflict and violence are obsolete. Warrior-diplomats are defining the future of military leadership. Leaders at all levels should demonstrate competency in cross-cultural negotiation and mediation across multiple domains in hostile and nonhostile environments. War is not what it used to be.[62]

Military negotiations occur in four domains:

1. Civil-military (civ-mil)
2. Military-military (mil-mil)
3. Interagency (IA)
4. HN/partner nation (PN) (see fig. 2).

No universal negotiation template applies to each of these domains. It is essential for military negotiators to master languages and processes foreign to their branch of service and cultures. Negotiations in a military context often occur in each of these areas simultaneously. This unique operational environment speaks to the complexity of military negotiations vis-à-vis business and legal approaches.

Civ-mil. Military actors are obliged to understand civil-society actors. NGO and international organizations (IO) speak different languages and have specific concerns that may not align with military interests. NGOs and IOs answer to funders outside of the operational environment, and they are usually task-focused. Civil-society and military actors may use the same words; however, they may have different meanings to each actor. Civil-society is always present and should be taken into account. Military actors have a responsibility to be prepared to engage with indigenous actors who can influence others in the pursuit of mutual gains.

Mil-mil. Army, Navy, Marine Corps, and Air Force are unique cultures with many subcultures and subcultures further divided. Within each branch of service, cultures and subcultures define teams, forming in-and-out groups. Military negotiators must be aware of mil-mil similarities and differences. Differences in cross-nation, mil-mil negotiations, especially when language

issues are involved, are magnified. Military and branch prejudice can also frustrate interoperability.

IA. Each IA organization possesses a unique culture and subculture as well. As governmental organizations, they respond to secretaries who respond only to the president. The ability to influence may be all that a military leader has in his or her toolkit. The military may be in charge but may not be in control.

HN. The HN maintains its own unique political, economic, and cultural circumstances. The goal of military negotiators is to advance mutual gains.

Figure 2. Military mission environment chart. The figure shows how civ-mil, mil-mil, IA, HNs, and PNs connect with military negotiation.

Not only must military actors be competent in negotiating across multiple domains, but it is also essential that they understand how political, strategic, operational, and tactical considerations intersect and influence negotiations. Tactical decisions can have strategic and political impacts. One needs to look no further than Abu Ghraib for an example of how choices at a tactical level affected political and strategic environments. This is an extreme example of how decisions and behaviors on-the-ground impacted perceptions of the military and US policy.

Negotiation PME activities at the political and strategic levels should concentrate mainly on elements of national power; diplomatic, informational, military, and economic.[63] Military actors learn how to negotiate, as well as advise negotiators who are operating at the highest levels of government. The

focus is negotiating at legislative levels dealing with policies and laws.[64] Operational concerns concentrate on negotiating organizational and institutional efficiencies.[65] At this level, military leaders negotiate strategy. Tactical concerns are primarily interested in achieving measurable results.[66]

Ever-present and influencing negotiations in a military context is the mission. The military mission will always drive the negotiation process, along with time and space considerations. Mission, time, and space are unique to military negotiation. When business and legal negotiations occur, time and space limits are usually artificial and can be easily modified. Not so in a military context as the shadow of armed violence is always present.

Meta-Negotiator Intelligences

Meta-negotiators should develop and maintain competency in multiple intelligences: emotional, cultural, and conflict. Successful meta-negotiators look for an *elegant response* to negotiated activity and seek to transcend the immediate environment and create a shared, not yet existing future.[67] Whatever the conclusions, they are context-specific and enduring. Meta-negotiators are engaged learners. They are not passive and have intellectual curiosity. Each negotiation is a learning activity where questions and answers have currency.

For meta-negotiators, it is not as much about *critical thinking* as *creative thinking*. It is about transcending the current state and jointly creating the future. Military meta-negotiators focus on identifying the "center consensus point" and developing negotiated outcomes that will not be rejected by external parties. Meta-negotiations create value rather than resolve conflicts.

Emotional Intelligence

Negotiation is a social activity and meta-negotiators enjoy others' company and interactions. Negotiation is an art and a science. Meta-negotiators can intuit the emotional and intellectual needs of others.

Conflict work is heavily influenced by trust.[68] Negotiators bring an ability to engender trust among the parties engaged in a negotiation process. Individuals in conflict must have confidence in those with whom they are negotiating. This is more than transparency. Individual trust and trust-building prepare the ground for sustainable outcomes.

Cultural Intelligence

Individuals move beyond their biases and ensure that negotiations are culturally appropriate. They recognize how Western actors often privilege their

approaches to conflict resolution and management over local approaches. There is recognition of how low- and high-context societies differ in their approaches to conflict transformation and joint problem solving.

Meta-leaders engaged in cross-cultural and multiparty negotiations work in environments where a negotiator's persuasive skills and ability to influence is the primary exchange.[69] Military negotiations require agile leaders who are prepared to function in unscripted environments where the *unexpected* is the only constant. Negotiation in unstable environments is comparable to improvisational theater.[70]

Conflict Intelligence

Conflict analysis is the foundation upon which conflict transformation activities are built. Needed is a theory-based knowledge of the conflict transformation process. Meta-negotiators must have an ability to understand the conflict in the broader contested emotional and psychological space. Negotiations are coordinated with other conflict resolution strategies.[71] Negotiation alone will probably prove insufficient for positively transforming a conflict. Transformation of violent conflict requires a holistic approach. A well-developed conflict intelligence focuses on designing responses to conflict, in context, and that incorporates activities such as dispute systems design, mediation, facilitation, and education.

Recommendations

The following recommendations are offered to contribute to the discussion regarding the presence of negotiation education and training throughout PME and the need for a military negotiation culture to develop in a changing global space.

Research and refine military negotiation. Military leaders have little to "lean on" when it comes to research regarding the need and efficacy of negotiation in the military. Much of the assessment regarding negotiation in the military is anecdotal. A large-scale study is needed.

As outlined in this paper, positive initial steps have been taken to advance negotiation in the military. The preponderance of negotiation education and training in the military is drawn, however, from business and law. Business and legal approaches to dispute resolution and conflict transformation are a good start, though not good enough. Research is necessary to determine specific characteristics of military negotiation in multiple domains as well as how to move forward to the future.

Incorporate negotiation into PME. National security and preparedness oblige military leaders to evaluate how and where negotiation fits into PME. Negotiation should be a part of the military's core curricula at all levels of instruction. This should include service academies and the Reserve Officer Training Corps—in order to change how military professionals think about conflict transformation.

Negotiation should complement existing curricula; however, due to the unique nature of military negotiations, classes should be stand-alone and problem-based, avoiding the pull to integrate them into existing courses to protect instructional time.

Establish a Department of Defense Center for Conflict Transformation. The Air Force Negotiation Center (AFNC) is an effort to address the need for negotiation education and training for the military. A Department of Defense (DOD) commitment is needed. The AFNC can serve as a model for the creation of a DOD proponent for conflict transformation, writ large.

Military Education and Training in Conflict Analysis and Transformation (METCAT). Establish the METCAT Working Group as an interservice advocate focused on the design of conflict transformation strategies across the DOD. Ensure military and nonmilitary actors are in the working group—IA, civil-society, such as NGOs, IGOs, IOs, and academia.

These recommendations are not the final word. Instead, they are initial steps that can be implemented today to move the negotiation ball "down the field." Further delay will only frustrate current tentative efforts to provide military leaders with nonkinetic responses to conflict. There is a need to move away from decisive force as the only option, thereby opening the door to creative nonviolent approaches to conflict transformation. As an engaged leadership competency, negotiation enhances the intellectual lethality of the force by providing leaders with nonlethal approaches to conflict that can be added to an already extensive set of lethal options.

Notes

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

1. Nobel, Wortinger, and Hannah, *Winning the War*, 2; and Tressler, *Negotiation in the New Strategic Environment*, vii.
2. Compert et al., *Underkill: Scalable Capabilities for Military Operations*, 27–28.
3. Foot, "Educating for Security," 201.
4. Goodwin, *The Military and Negotiation,* 9.
5. Ferguson, *The Square and the Tower*, 340.
6. Zartman, *Preventing Deadly Conflict*, 105–10.

7.   Compert et al., *Underkill: Scalable Capabilities for Military Operations*, 27–28.

8.   Ryan, "Winning the Peace by Living the Way We Fight," 115.

9.   Dunford, "The Character of War," 2.

10.   Smith, *The Utility of Force.*

11.   According to *Merriam-Webster*, *Sine qua non* means that something is absolutely indispensable or essential.

12.   Matyók and Schmitz, "Is There Room for Peace Studies," 51–55.

13.   Rennie and Deakin, "Military Strategy, Ethics and Influence," 3–19.

14.   Stern and Druckman, "Conflict Resolution in a Changing World," 4.

15.   van Eijnatten, "Chaordic Systems Thinking," 117–36.

16.   Naím, *The End of Power.*

17.   Hill and Douds, "Believing is Seeing."

18.   Cohen, "Education for Leadership."

19.   Zartman, *Preventing Deadly Conflict*, 36.

20.   Huhtinen, "The Changing Leadership Culture," 80–81.

21.   Hollenbeck, "Negotiation Education at West Point."

22.   Marcus, "Evolving Leadership: From Command-and-Control."

23.   Goodwin, *The Military and Negotiation*, 127.

24.   Solomon and Quinney, *American Negotiating Behavior,* 23–33.

25.   Tressler, *Negotiation in the New Strategic Environment*, 4.

26.   Blank, "How to Negotiate Like a Pashtun."

27.   Goodwin, "Inequity in Outcome," 84.

28.   Goodwin, *Negotiation in International Conflict,* 84.

29.   van Eijnatten, *Chaordic Systems Thinking*, 117.

30.   Blascovich and Hartel, *Committee on Opportunities in Basic Research*, 2.

31.   Blascovich and Hartel, *Committee on Opportunities in Basic Research*, 29.

32.   Richardson and Bolton, "Sacrifice, Ownership, Legitimacy," 63–68.

33.   Yassine-Hamdan and Pearson, *Arab Approaches to Conflict Resolution,* 29.

34.   Nobel, Wortinger, and Hannah, *Winning the War and the Relationships*, 2, 8.

35.   United States Special Operations Command Security Force Assistance Introductory Guide, 3.

36.   Jeong, *International Negotiation: Process and Strategies*, 3–18.

37.   Goodwin, *Negotiation in International Conflict*, 3.

38.   Nobel, Wortinger, and Hannah, *Winning the War and the Relationships*, 14.

39.   Docherty, *The Little Book of Strategic Negotiation,* 19.

40.   Docherty, *The Little Book of Strategic Negotiation*, 8.

41.   Jeong, *International Negotiation: Process and Strategies*, 21; and Honeyman and Schneider, "Catching Up with the Major-General," 638–40.

42.   Nobel, Wortinger, and Hannah, *Winning the War and the Relationships*, 7.

43.   Tressler, *Negotiation in the New Strategic Environment*, viii, 9; and Air Force Negotiation Center, *Practical Guide to Negotiating in a Military Context*, 3.

44.   TP 525-3-1, 16.

45.   Goodwin, "Inequity in Outcome," 79.

46.   United States Special Operations Command Security Force Assistance Introductory Guide, 5.

47.   Tressler, *Negotiation in the New Strategic Environment*, ix.

48.   Hardison et al., *Cross-Cultural Skills for Deployed Air Force Personnel*, 10–11.

49. Marcus, Dorn, and Henderson, "Meta-Leadership and National Emergency Preparedness," 128–34.

50. Marcus, Dorn, and Henderson, "Meta-Leadership and National Emergency Preparedness," 130.

51. Naím, *The End of Power*, 1–34.

52. Smith, *The Utility of Force*.

53. Hill and Douds, "Believing Is Seeing."

54. Fritz and Hermsmeyer, "The U.S. Air Force and Stability Operations Transformation," 128.

55. Annen and Nakkas, "Preface," 7–10.

56. Bui, Cho and Sovereign, "Negotiation Issues in Multinational Humanitarian Assistance/Disaster Relief," 1–10.

57. Katz, *The Big Truck Went By*.

58. Bui, Cho, and Sovereign, "Negotiation Issues in Multinational Assistance," 2.

59. Bui, Cho, and Sovereign, "Negotiation Issues in Multinational Assistance," 2.

60. Casey, "Comparing Nonprofit Sectors Around the World," 187–223.

61. Hedenstrom and Kristiansen, "Military Assistance in Support of Negotiations."

62. Smith, *The Utility of Force*.

63. Farley, *Defense Statecraft*.

64. United States Special Operations Command Security Force Assistance Introductory Guide, 10.

65. United States Special Operations Command Security Force Assistance Introductory Guide, 11.

66. United States Special Operations Command Security Force Assistance Introductory Guide, 12.

67. Galtung, *Conflict Transformation by Peaceful Means*.

68. Yassine-Hamdan and Pearson, *Arab Approaches to Conflict Resolution*, 31.

69. Marcus, Dorn, and Henderson, "Meta-Leadership and National Emergency Preparedness," 130.

70. Docherty, *The Little Book of Strategic Negotiation*, 47.

71. Docherty, *The Little Book of Strategic Negotiation*, 39.

Abbreviations

Term	Abbreviation
Term	*Abbreviation*
Air Force Negotiation Center	AFNC
Alternative dispute resolution	ADR
Civil-military	Civ-mil
Command and control	C2
Department of Defense	DOD
Host nation	HN
Humanitarian assistance/disaster response	HA/DR
Interagency	IA
Interest-based negotiation	IBN
International organization	IO
Military Education and Training in Conflict Analysis and Transformation	METCAT
Military-military	Mil-mil
Nongovernmental organization	NGO
Partner nation	PN
Professional military education	PME
Responsibility to protect	R2P
United States Air Force	USAF
United States Navy	USN

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