

24-25 MARCH 2011

**SPECIAL  
POINTS OF  
INTEREST:**

- Feedback from Conference attendees
- Highlight: David Tressler, Keynote Speaker
- Overview of Final Training Exercise

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# West Point WPNP Negotiation Project



## 2011 Conference Proceedings

### Negotiating in Uncertain Contexts

#### *Helping Future Combat Leaders Navigate the Complex, Cross Cultural Engagements that Await*

The second annual West Point Negotiation Conference, entitled “*Negotiating in Uncertain Contexts: Helping Future Combat Leaders Navigate the Complex, Cross Cultural Engagements that Await*,” was sponsored by the Network Science Center, the West Point Leadership Center, and the Air Force Culture and Language Center. Its purpose was to prepare future military leaders for the challenges they will face in the near future.

Conference delegates, including approximately 75 cadets from the US Naval, Coast Guard, and Military academies as well as various ROTC programs across the country and Canada’s Royal Military College, participated in interactive presentations, negotiation exercises, and question-and-answer panels. They also heard from a number of experienced negotiators, including recently redeployed officers, special guests Officer Mike Baker, Los Angeles Police Department SWAT Crisis Negotiation Team,

and SSA Mark Flores, FBI Crisis Unit, and the keynote speaker, Mr David Tressler, a civil affairs CPT in the US Army Reserves.

The negotiation skills and strategies highlighted throughout

where relationships are vitally important and sound substantive outcomes are essential. Strengthening future officers’ negotiating skills will help them “focus on the decisive human element by building lasting



the two-day conference reflect the changing role of military leadership in today’s wartime environment. Military officers’ daily interactions often place them in cross cultural situations involving complex, high-stakes issues and multiple parties,

relationships and managing perceptions” as instructed by GEN David Patraeus in July 2010.

These proceedings will provide an insight into what was discussed during the conference.

# Lessons in Negotiating:

WPNP Co-Director, Professor Jeff Weiss, laid the foundation for the conference through a series of interactive lessons designed to build the fundamentals of principled negotiation.



Cadets and midshipmen listen attentively during the lessons.

*“The best negotiators do not negotiate to reach an agreement, they negotiate to create a good choice for themselves!”*



## Challenging Assumptions

“Assume the position!” At Professor Jeff Weiss’ command, cadets, midshipmen, and guests grasped hands with partners, and upon a second command to “go” every duo began to arm wrestle. After a minute of sweating and straining, conference attendees stopped for an explanation. As Mr. Weiss recounted the rules of the game, we realized the fault in our assumptions.

This lively illustration set the stage for our first lesson in negotiating: **the best negotiators question their assumptions** and determine

whether they are acting on empowering or debilitating ones.

Empowering assumptions, though not always true, prove beneficial when they are and include:

- ◆ “We can find creative ways to meet both of our interests.
- ◆ Their tendency to follow is an opportunity to lead.
- ◆ People do what they believe is in their best interest.

Debilitating assumptions, although not necessarily wrong but will drive how one negotiates,

include:

- ◆ Our interests are opposed.
- ◆ This is a zero-sum game.
- ◆ We need to compromise between conflicting positions.
- ◆ Poor communication is their problem.

Assumptions about ourselves, the other party, the situation, and the negotiation drive our strategies and actions. The unaware negotiator who fails to test their assumptions will often unknowingly achieve sub-optimal outcome.

## Reaching a Good Outcome

Effective military negotiators recognize the complex environment in which they operate and define success sophisticatedly.

A systematic definition of a good outcome (Vantage Partners, 2008) is one that results in no agreement, or an agreement that:

- ◆ Satisfies **Interests**:
  - \* Ours, well
  - \* Theirs, at least acceptably
  - \* Others, at least tolerably
- ◆ Is better than our Best

Alternative to a Negotiated Agreement (**BATNA**)

- ◆ Is an elegant, no waste solution, among the best of many **Options**
- ◆ Is **Legitimate** – no one feels taken, outcome feels appropriate and justifiable
- ◆ I n c l u d e s **Commitments** that are well-planned, realistic, operational, and durable

- ◆ Results from a process that helps build the kind of **Relationship** we want
- ◆ Results from a process that is efficient – the product of effective **Communication**



# Negotiation Role-play #1: Diego Primadonna

The use of role-play exercises to both learn and practice specific negotiation concepts and skills is a critical component of the negotiation curriculum at West Point. During the conference, two exercises were used for different purposes. These articles reflect what cadets learned from these exercises.

Soccer star Diego Primadonna was looking to play for a struggling club. Personal ambitions and tight finances complicated the deal. As Diego's agent, my goal was simple: get the best deal possible for Diego to include both money and other incentives.

I had to convince the club that Diego's age and recent poor performance were non-factors, and that he would have immediate impact on the field as a leader. Moreover, Diego wanted to start more than anything else, an obvious goal for someone looking to retire on a positive note.

My approach attempted to use what I had learned about the Seven Elements. I focused on their interests and apparent lack of a great BATNA. I also placed emphasis on both the previous and, possibly, future relationship between Diego and this team.

The monetary aspects of the options we created found precedence in the current pay of many members of the team and the amount being paid to their injured star player. The other party and I got creative and came up with several possible solutions to include advertising and merchandise that would ensure Diego's high pay if the club was as successful with Diego on the roster as expected.

By using many elements of negotiation both parties were able to agree to a fairly robust deal.

## The Seven-Element Preparation Tool

### A Systematic Approach for Preparing for Negotiation

The one thing you can control in negotiation is your ability to get very well prepared. As you prepare to negotiate, think through the following:

#### Interests

- ◆ What are ours? What might theirs be?
- ◆ Are there third parties to consider?
- ◆ Which interests are *shared*, which are *different*, and which *conflict*?

#### Options

- ◆ What possible agreements or pieces of an agreement might satisfy each of our interests?
- ◆ What are some ways to use differing interests to create value?

#### Legitimacy

- ◆ What "ought" to govern an agreement? What standards might a judge apply?
- ◆ What external criteria might be relevant to resolving differences?
- ◆ What will *they* argue? What is our best response to their argument? How can we fit their arguments into our case?
- ◆ What will each of us need to justify an outcome to our constituents?

#### Alternatives

- ◆ What is our Best Alternative to a Negotiated Agreement (BATNA) and what might theirs be?
- ◆ Can we improve ours? Worsen theirs?

#### Commitments

- ◆ What is our level of authority to make commitments? Theirs?
- ◆ What level and form of commitment should we aim for from any particular meeting, or at any other juncture during the negotiation process?
- ◆ What are mechanisms for changing commitments over time? For resolving disputes?

#### Relationship

- ◆ What kind of relationship do we want? What kind of relationship do they want?
- ◆ Specifically, what kind of substantive relationship do we want? That is, what is the scope of the business arrangement we want now and over time?
- ◆ What kind of procedural relationship do we want? How do we want to interact with one another?
- ◆ How should we manage the negotiation process to build, or create a foundation for, the kind of substantive and procedural relationship we want to have?

#### Communication

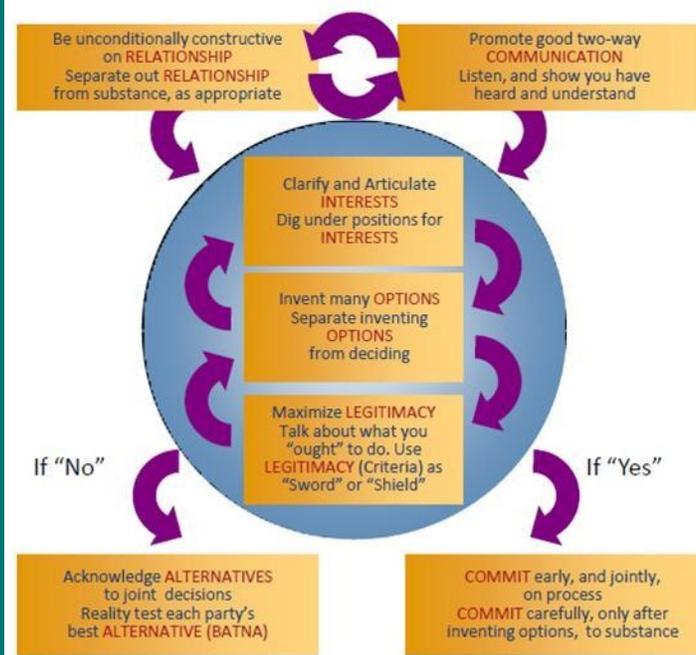
- ◆ What do we want to learn from them?
- ◆ What do we want to communicate? How can we do so more persuasively?
- ◆ What do we want to avoid disclosing or communicating?
- ◆ What's our timeline and game-plan for negotiation?
- ◆ What negotiation process should we use?

Vantage Seven-Element Preparation Tool

Setting the Context	Interests	Options	Legitimacy
<small>Related Parties (Counterparts, constituents, and others who may affect the situation. Consider drawing a diagram.)</small>    <small>Important Issues (Objectives that need to be addressed)</small> 1.  2.  3.	<small>List individual and organizational interests, needs, concerns, hopes, and fears.</small> Our Interests   Their Interests   <small>Interests of Others Who May Need to Agree</small>	<small>List possible options for each issue or major interest, including specifically for options that might meet both parties' interests as possible.</small> Issue #1  Issue #2  Issue #3	<small>Identify objective standards and principles of fairness that might require assessment steps to resolve conflicting interests and choose among possible options.</small> Issue #1  Issue #2  Issue #3

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# Principled Negotiation vs. Positional Bargaining



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When people typically think of the term “negotiation” they usually think of a specific form of negotiation called Positional Bargaining. It involves a “Dance of Concessions” where one party makes an offer, the other party makes a counter-offer or threatens to walk away, and so on until a result is achieved, often a compromise, that neither party likes and fails to meet both parties’ underlying concerns.

Principled Negotiation offers a way out of the dilemmas often associated with Positional Bargaining by incorporating all seven elements of negotiation in particular ways and a specific sequence. The Circle of Value approach to negotiation illustrates how building relationships and fostering good

communication can help create the conditions for joint problem-solving rather than competition.

A negotiator’s job in Positional Bargaining is simply to distribute a fixed amount of value between the involved parties with the goal to claim as much of that value as possible. The Principled Negotiator, on the other hand, digs into the needs, fears, concerns and motivators beneath positions, develops creative ways to meet both parties interests, and applies merit and standards to choosing defensible options. The goal in principled negotiation is to create a good choice between the negotiator’s BATNA and reaching a commitment with the other party.

“One technique that we used was teaching the ANP how to ask for and then explain to us the interests of the local community leaders.”

## Graduate Panel

CPTs Jason Smartt (2006, Field Artillery), David Tyson (2007 Medical Service), Ryan Feeney (2007, Infantry), and David Mudek (2007, Infantry), all graduates of the *Negotiation for Leaders* course at West Point, answered questions regarding the negotiations they struggled with as officers in Afghanistan.

MAJ Donigian began the series of open-ended questions that spurred unique and pertinent narratives about each officers’ experiences. Though all were different, the importance of possessing the negotiating skills taught at the conference was stressed by each panelist.

emphasized that negotiations, especially capturing data to legitimize solutions and creating multiple options, take time, and also advised cadets to “be authentic in your approach.” After several months, CPT Smartt and his commander were able to begin using artillery fire effectively.

CPTs Smartt and Tyson address the conference attendees during the Grad Panel



*In what situations have you negotiated internally?*

As an effects coordinator, CPT Smartt negotiated the re-institution of artillery fire with his battalion commander by establishing an open dialogue in an effort to understand his commander’s interests. He

*What external negotiations have you participated in while deployed?*

CPT Mudek shared his experience convincing a contractor to work in an incredibly dangerous base in the Kandahar province by building a trusting relationship, being persistent and clear in

communication, and emphasizing the necessity of commitments in his negotiations with the contractor who, despite the danger, finally agreed to work on the base.

CPT Tyson revealed an instance of successful de-escalation of an emotional and potentially devastating situation in which his unit inadvertently injured an Afghani woman. Saving the woman's life, CPT Tyson was able to use the incident to establish a strong positive relationship with the villagers, which he used to understand their interests and convey the military's. Eventually, CPT Tyson's unit was able to provide frequent medical care to the area and gained their support in exchange. He also emphasized that "it's very difficult to pinpoint interests when you're trying to

work with an interpreter that may or may not speak [the locals'] language."

*Can you tell us about some of the most difficult negotiations you faced, and what you did to get through them?*

CPT Feeney began by stating that "the most difficult are obviously emotion-driven...you can't negotiate in that situation. You have to try to diffuse." He suggests that instances in which the Army has injured or killed Afghan civilians are crucial negotiations, as they have the potential to "create more insurgents." Most important in these situations showing genuine concern, understanding the others' perspective, and clearly stating your commitment to the security of Afghan civilians.

The grad panel had numerous valuable stories to share both during the panel and throughout the conference. Their experiences highlighted the incredible importance of communication, honesty, and relationship-building to effective negotiations and to the military's long-term success in its current role.



## Graduates' Advice

*The graduates reflected on what they learned from their instruction in negotiation at the academy, how it helped them while deployed, and what cadets should focus on.*

- ◆ Preparation and listening are the keys to success.
- ◆ There are many different ways to create value; money can be one part of an option but is often an ineffective means to establishing a lasting, working relationship.
- ◆ Your first negotiation sets the stage for all future interactions.
- ◆ Understand your authority as a Platoon Leader. Do not promise anything you cannot provide.
- ◆ Pause, reflect, & step in the other person's shoes when you want to react emotionally to a problem or a situation. Make deliberate decisions not reactionary ones.
- ◆ If a negotiation comes to a deadlock, take a break and approach it from a new angle.
- ◆ The negotiation tool kit fits in your ACU pocket. Carry it with you. *(All four panelists carried their cards with them when deployed and had them with them at the conference!)*
- ◆ Look at everything as a negotiation. The best way to improve is to continually practice and review.

***“I addressed the issues of trust and differing perceptions first. Then I was able to press for his interests, while clarifying mine.”***

## Negotiation Roleplay #2: Salerno Gas Station

This scenario involved a newly arrived American lieutenant and a gas station owner in Afghanistan whose access to his station was cut off by the expansion of a U.S. Forward Operating Base (FOB).

The owner's brother had been kidnapped by the Taliban, his gas was continually being stolen by the Afghan National Army, and the Taliban had been buying his gas and using his gas station to launch attacks on the American FOB.

The Americans, meanwhile, had failed to deliver on a number of promises to the owner and had not adequately addressed the nearly two-year old claim for lost business.

Both parties wanted a substantive agreement on the claim, possible intelligence, the brother, and the ANA extortion, but issues of trust and poor communication made negotiating nearly impossible.

Utilizing the negotiation skills I had just learned, I resisted the temptation to make a substantive concession to buy trust, instead, addressing trust and perceptions first and then digging into his goals and interests. I was able to persuade the other party that both of our interests could be met by creating a fair, joint solution, avoiding compromise, while building better communication and relationship.

***“Don't be the leader riding the donkey, who has lost the donkey.”***

***-Afghan Proverb***

## Meet the Keynote: David Tressler

“Don't be the leader riding the donkey, who has lost the donkey” quoted David Tressler. Tressler's keynote address cited a repository of Afghan proverbs and on-the-ground experience from a deployment ending just four months before the start of the conference in a province bordering Pakistan. Tressler, a Captain in the U.S. Army Reserve with experience as a civil affairs team leader in Afghanistan, is also one of the leading world experts in military negotiation – a published scholar and practitioner.

Tressler lost little time bringing the issue home to the future military officers in the crowd: in an age of persistent violence, marginalized leadership, fractured and complex networks,

and ubiquitous uncertainty, how do officers positively influence events and actions? How do they combat the natural human approach in situations of dynamic uncertainty to “wait and see” before committing to action?

Tressler painted a stark picture of the operational environment and the conditions confronting today's military leaders, but he also pointed the way forward. In examples from his own recent deployment, Tressler made it clear that even the best recipe can never guarantee success. In one case, Tressler cited a negotiated agreement between ISAF and the Shenwari tribe: their support for the Afghan government and abandonment of the Taliban in exchange for \$1,000,000.

However, mid-level tribal leaders in the Shenwari tribe were not consulted on the agreement and when conditions changed so did the tribe's interpretation of its commitments. Tressler treated the potential for this sort of situation occurring as a critical reason that officers be highly skilled in negotiation. He defined his own mission as facilitating agreement, removing obstacles, and establishing healthy and robust relationships and lines of communication. “The enemy always gets a vote,” he says, “Nothing is ever assured.”

Tressler provided a realistic view on the often ephemeral nature of agreements and commitments in the Afghan environment of uncertainty. Still, success through effective negotiation remains possible. In

one instance, Tressler and his team were able to resolve decades-old land disputes by accommodating the interests and concerns of the local populace and being realistic with regard to feasible goals. Progress here resulted from frank and honest communication with the district governor of Sebari, and an unwavering commitment to mutual interests and goals.

“Don’t be the leader riding the donkey, who has lost the donkey,” stated Tressler. “Don’t be the leader who has lost sight of himself in the whirlwind of uncertainty characteristic of negotiation *in extremis* situations. Know who you are, know where you want to end up, and know how you’re getting there – and don’t take anything for granted.”

Mr. Tressler addresses the Conference



## Spotting & Changing the Game

Professor Jeff Weiss discussed five strategies for negotiating when the other party is being a “hard bargainer”.

- First: *Step to the Balcony*, or step back and assess the situation.
- Second: *Diagnose the other party’s behavior*. How are they using (or not using) the seven elements to their advantage and why are they

negotiating in this way? Most negotiators only use 1 or 2 elements.

- Third: *Change the Game*. Ask yourself how you can use the seven elements to your advantage, either by introducing an element not currently being used, changing the use of an existing element, or questioning the other party on their approach (while suggesting a new one).

- Four: *Stick with your strategy*. Once you’ve chosen a new game, be persistent.
- Five: If necessary, agree to play the opponent’s game, or resort to your BATNA.

## “Verbal Tactics:” Crisis Negotiation in the FBI and LAPD

Abraham Maslow said, “If the only tool you have is a hammer, you tend to view every problem as a nail.” During the Crisis Negotiation panel, FBI SSA Mark Flores and Officer Michael Baker, LAPD SWAT, stressed that by adding negotiation skills to one’s toolbox, the opportunity to attain a peaceful resolution in a crisis situation often presents itself.

The duo pointed out that most crisis instances they face involve a highly emotional individual at his or her

breaking point. “Our job as negotiators is to bring the emotion down and the rationality up,” SSA Flores explained, “We have to talk them down, get them to where they were.”

Both Flores and Baker shared various crisis negotiation encounters where it became apparent that the ability to use highly attuned active listening skills to demonstrate empathy and develop a rapport was critical to their success.

Similarly, the panel highlighted the importance of other aspects that the conference had taught: transitioning and “changing the game,” using creativity, brainstorming options during preparation, and asking questions to get to the root of the individual’s “interests.”

As the panel came to a close, Officer Baker reminded the delegates that negotiation is a perishable skill well worth practicing and applauded “the military [for] recognizing the importance of peaceful resolutions in the field and making them a priority.”



The Crisis Panel: SSA Mark Flores of the FBI’s Crisis Negotiation Unit and Officer Mike Baker of the LAPD’s SWAT Crisis Negotiation Team



SSA Flores (former Navy) displays his “Beat Army” pin in preparation for the panel’s start.



**MS2 Tucker Morris** from the **University of Minnesota Gopher Battalion ROTC Unit** practices his negotiation skills during the FTX.

## Field Training Exercise (FTX)

The field training exercise (FTX) was the culminating event of the West Point Negotiation Conference. The three scenarios that attendees negotiated were based on actual events that happened in Afghanistan less than a year ago. They required the application of all of the skills and tools that attendees had learned and put them in specific scenarios where they had to apply their new knowledge. The goal of each scenario was for the negotiators to “change the game” in various ways in order to get the hard bargainer to conduct principled negotiation, facilitating a successful outcome. The attendees were given limited information and only 15 minutes to prepare for each negotiation.

One of the scenarios was a negotiation between a senior US Army Sergeant and an Afghan National Police (ANP) chief. A car exploded due to a Taliban attack outside of a US

Forward Operating Base (FOB) and a patrol needed to go out and investigate. All US forces based at the FOB were out on patrol and could not immediately respond. The US Soldier negotiated with the ANP chief to convince him to go on the patrol. However, the police chief insisted that his men did not have the equipment or experience to handle this operation and that such matters were typically dealt with by the Afghan National Army (ANA). He also threatened to go to the Sergeant’s chain-of-command if he forced him to respond to the attack.

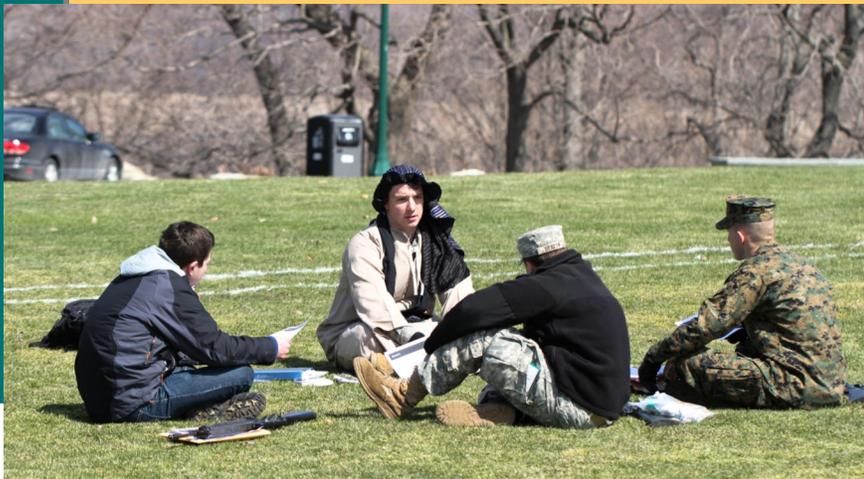
Delegates were forced to identify which of the seven elements the ANP Chief was using (and not using) as a barrier to agreement, and then figure out ways to use the elements to get past the Chief’s hard bargainer tactics.

Attendees took many varied approaches to changing

the game as a result of their training, creativity, and persistence. Some appealed to the chief’s sense of achievement and Afghan autonomy, throwing out ideas such as bringing along the media to show an “incredibly successful effort led by the ANP chief against the Taliban that saved many lives.” Some spent a lot of time building the relationship, establishing ways forward that cultivated trust. Many stressed legitimacy in that the ANP were the only unit that could respond and had been training with US forces for six months. Others developed creative options like having the US forces already on patrol meeting the ANP at the scene of the attack. All of these possible solutions demonstrated application of what the attendees had learned over the previous day and a half.

Attendees met with different overall levels of success but all demonstrated both a disciplined and systematic approach to negotiating with a hard bargainer.

Conference attendees paired with cadets from other schools for the FTX



# Lessons Learned

## Attendees Share Unique Perspectives on their Experiences

Andrew Meade  
US Coast Guard Academy, 2013

My name is Andrew Meade and I am a 3/C cadet from the United States Coast Guard Academy. I am a management major at the Academy and through my involvement in the department, I was asked to participate in the 2011 Negotiation Conference at West Point. I really did not know what to expect prior to the conference, as I had no formal background in the subject, but I did read the book *Getting to Yes* by Roger Fisher and William Ury in preparation.



**Canadian, Cost Guard and US Army officers form a team that negotiate together throughout the FTX.**

Even with my limited background, I learned an incredible amount about negotiating in various contexts at the conference. I believe the knowledge I gained will serve me very well in my future as a Coast Guard officer. I enjoyed learning about the theory (the seven elements of negotiation, the circle of value, etc.) of Principled Negotiation and then applying it to real-life scenarios. Two activities that I particularly enjoyed were the Diego Primadonna negotiation case, involving the Brazilian soccer player and the soccer club GM, and the cumulative Field Training Exercise. These are just a couple of examples of how the “book knowledge” came to life for me.

The two panels, which highlighted the experiences of recently deployed junior officers as well as seasoned crisis negotiators, were also particularly impactful. These panels allowed me to hear about negotiations that take place every day. They were also particularly relevant for me as a future Coast Guard officer. I won't be negotiating in the exact manner as the panelists, but my future negotiations may be similar. For example, I may have to negotiate with drug runners as a boarding team officer or negotiate a government contract regarding a Coast Guard cutter. I also hope



**Two cadets, from West Point and Coast Guard, work together in the final negotiation sequence**

to be part of the business world at some point in my life, and the skills I learned would be very applicable as a businessman.

I believe that my negotiation skills have improved ten-fold since attending the conference and will be very useful in my future. I cannot thank the organizers and presenters enough for the incredible job they did with the conference. I am also very thankful for the relationships I built throughout the conference and the invitation to attend from CDR Singleterry. I hope to attend again during my cadet career!

Ji Kim  
US Military Academy, 2011

Negotiation is not what I thought it would be. When the word negotiating comes to mind, I think of a car salesman in a slick suit with a silver tongue. After intensive 14 and 9 hour training days respectively, I have learned firsthand that negotiation is not about having a silver tongue that can shave an extra thousand dollars off my first car purchase. Negotiations is about thinking on your feet and understanding that there is more than one way to achieve success.

Although the conference was a crash

course for most of us, we walked out of that conference room with a basic premise of the seven elements of negotiations. I learned a little about both the art and the science to negotiating effectively. I also learned that while I may not necessarily agree with the other party, there are many things that I can do to better understand their perspective.

The West Point Negotiation Conference offered the idea of creative problem-solving for conflicts that I, as a future Army officer, will likely encounter in the near future. Though negotiation may not always be a viable option, establishing open channels of communication, creating positive working

relationships, and understanding the other factors of the Principled Negotiation approach will greatly enhance my ability to problem solve and negotiate effectively when necessary.

This was reinforced during the Final Training Exercise where my group and I worked through the three different scenarios. I found the negotiation with the Afghan National Police chief to be the most difficult but we were able to come up with a creative solution. I could certainly see my self in that exact scenario when deployed. I am very glad I attended the conference.

# Lessons Learned (continued)

John Sa  
Cornell University, 2012  
Army ROTC

I was sent to the West Point Negotiation Conference by my ROTC battalion in order to learn how to, “navigate the complex cultural engagements that await.” While I was initially skeptical about cutting short my spring break, I ultimately found the conference to be an excellent experience that taught me skills that I can definitely see myself utilizing in the future, in both a civilian and a military context.

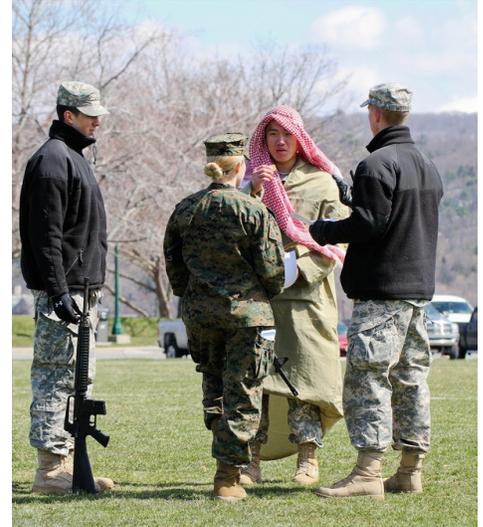
Major Aram Donigian and Mr. Jeff Weiss, as well as all of the experienced guest speakers, made the materials and concepts both interesting and informative, all the while shedding light on the very practical and very real applications of good

negotiations. Whereas my previous impression of negotiation was not much more than glorified haggling, the negotiation project introduced the importance of preparation and gave cadets a solid framework from which to conduct future negotiations.

Some of my favorite activities at the conference were the opportunities to practice with other participants. These opportunities were learning experiences that really drove home the importance of the concepts presented during the lecture sections.

This is a conference I would recommend to anyone. I am definitely going to try to bring the information and concepts to the cadets at my ROTC battalion. I'd like to thank those involved with organizing the event, the speakers and the cadets who

generously hosted me for two nights for making this wonderful opportunity possible.



OCdt Andrew Chapman  
Royal Military College of Canada, 2013

It's a scene that's commonplace from car dealerships in Canada to bazaars and markets in the Middle East: a shopper and a salesman. Both come to the table with outrageous propositions...One demands a price far too high and the other far too low. In the end, these two usually find a *middle ground* and both leave the trade wondering if they could have got a better deal.

Many believe that this system of haggling, or *positional bargaining* is the only way to conduct negotiations. Why not? It's simple enough...and is universally understood. But what if there were a way to conduct negotiations in a manner that didn't hold the buyer/seller relationship hostage, and allowed everyone to benefit from negotiations without feeling cheated? This question was the focus of the West Point Negotiation Project's (WPNP) annual conference.

Under the direction of Major Myslicki,

NCdt Welsh, OCdt Byrtus, OCdt Sauvageau, and I enjoyed the two day conference that introduced us not only to varying strategies of negotiation, but also to their applicability to military service.

After settling in to West Point on the 23<sup>rd</sup> we spent the entire day on the 24<sup>th</sup> learning and practicing different negotiation strategies guided by Professor Jeff Weiss, an instructor at both Dartmouth and West Point. He introduced the group to a different way of negotiating from the rudimentary haggling approach to a method he calls the *Joint Problem Solving Negotiation Method*.

A comprehensive approach to bargaining, the *Joint Problem Solving Negotiation Method* focuses on unconditionally building the relationship between the two negotiating parties and communicating effectively. Only after a good working relationship is built with effective communication can two parties focus on each other's interests, developing options, and legitimacy before making substantive commitments. The

model isn't for 'suckers' however, and incorporates an understanding of both players BATNA, or the *Best Alternative to Negotiation*.

On the 26th we began the day reviewing the techniques of negotiation we were just previously introduced to, and were given expert testimony on the power of effective negotiation from serving Army officers, an FBI negotiator, and a LAPD SWAT negotiator. We then finished the day practicing these techniques in scenarios Army officers had gone through abroad in a field exercise around the West Point campus.

By the end of the conference we were thoroughly introduced to the power of effective negotiation in broadening a commander's options on operations. Hopefully RMC can learn from our neighbours abroad and begin putting emphasis on the tools of negotiation that help to empower officers at home and overseas, and we can bring the West Point Negotiation Project a little closer to home.

# In Extremis Negotiation

It's the middle of a 18-hour patrol. Rumors of Taliban look outs and chatter of an ambush increases by the hour. You are supposed to meet with an elder council to discuss providing security for a recently built school. How do you possibly balance the exhaustion, imminent threat and complexity of the negotiation to come to a successful outcome?

Increasingly junior officers in Afghanistan are finding themselves in these situations where the stakes are high, time is short, and the danger is real. Mr. Jeff Weiss presented five strategies and MAJ Aram Donigian provided narrative examples for *in extremis* negotiation borrowing work from their November 2010 Harvard Business Review article.

In those instances when officers are most tempted — and have the best excuses — to react and revert to their natural approach to negotiation, they have the greatest need to take a step back, consider their choices, shape the process, and act “purposively.”

Successful officers use a combination of these five strategies:

- ◆ *Get the “Big Picture”.* Instead of assuming their perception is reality, they ask questions and look to challenge their assumptions.
- ◆ *Uncover and Collaborate.* Asking hard questions, like “Why is that important” or asking for criticism instead of asking “What do you want” which often leads to a deadlock.
- ◆ *Elicit Genuine Buy-In.* Avoiding threats and brinkmanship, officers seek to find legitimate standards that help local leaders defend their decision to constituents, creating lasting agreements.
- ◆ *Build Trust First.* Focus on building relationships on merit, not money, to systematically build trust and to encourage cooperation.
- ◆ *Focus on Process.* Consciously change the game by not reacting but, rather, taking deliberate steps to shape the negotiation.

For more information, see *Extreme Negotiations* by Jeff Weiss, Aram Donigian, and Jonathan Hughes, Harvard Business Review, November 2010, at [www.hbr.org](http://www.hbr.org).

SPOTLIGHT ON LEADERSHIP LESSONS FROM THE MILITARY

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What U.S. soldiers in Afghanistan have learned about the art of managing high-risk, high-stakes situations.

**Extreme Negotiations**

by Jeff Weiss, Aram Donigian, and Jonathan Hughes

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**CPT Ryan Feeney, USMA '07 and conference guest graduate panelist, using *in extremis* negotiation concepts while deployed.**

# A Note from the WPNP Directors

We hope you enjoyed the West Point Negotiation Conference and look forward to hearing your stories of putting the strategies and tools into practice. As you work to improve your skills, remember that effective negotiators:

- ◆ Are aware of, and willing to question, their assumptions
- ◆ Have a robust measure of success
- ◆ Prepare systematically
- ◆ Act purposively in choosing their approach to negotiation
- ◆ Get themselves and their counter-part into “The Circle,” when creative solutions are required
- ◆ Work to spot, diagnose, and actively change the game when faced with a hard bargainer
- ◆ Review and learn from their negotiations

Also keep the Seven Elements in mind. They will help you as you engage in each of the activities noted above.

Practice, review, adjust, and practice some more. The more you do this in low risk situations, the more you will build the ability and confidence to perform effectively in high risk situations. As you practice, consider the ideas you generated at the end of the conference:

- ◆ Find an opportunity each week to prepare for a negotiation using the 7-Element Prep Sheet
- ◆ Analyze, using the Spotting, Diagnosing & Changing the Game Tool, a negotiation you see in the paper, on TV, at the movies, or in your day-to-day life
- ◆ Teach someone one of the key concepts, techniques, or tools
- ◆ Regularly review your negotiations, capturing What Worked and what you’d Do Differently next time
- ◆ Keep a negotiation journal where you capture key lessons and effective strategies
- ◆ Pick a low risk negotiation to practice getting into “The Circle”
- ◆ Reopen a failed negotiation, using new ways to prepare and conduct the negotiation
- ◆ Take time to be aware of when you are in a negotiation and practice using one of the strategies discussed (e.g. digging for interests, inventing options, appealing to standards, separating relationship from substance)
- ◆ Ask others for feedback on how you are negotiating
- ◆ Keep the laminated tip cards nearby and review them regularly

Great leaders are great negotiators. Your effectiveness in leading troops, building relationships with local populations, and solving complex problems will depend in large part on your skill as a negotiator. We hope the conference serves as a springboard for your success.

Good luck! Contact us anytime, if you need help, have a question, or have a story to share.

— Mr. Jeff Weiss & Major Zach Mundell ([wpnp@usma.edu](mailto:wpnp@usma.edu))

## About WPNP

Founded in 2009, the purpose of the West Point Negotiation Project is to enhance the ability of military leaders to conduct effective negotiations in the complex and challenging situations they face in both combat and peace.

Recognizing the growing importance of the human dimension on today's battlefield, its initiatives emphasize the importance of effective negotiation strategies to the success of our ground forces. Specifically, the Negotiation Project exists to:

- ◆ Contribute to the development of leaders of character by providing them with a forum in which to engage, study and practice the art and science of negotiation
- ◆ Collect, publish and distribute effective negotiation practices from experienced leaders
- ◆ Develop improved negotiation models and strategies for leaders and units
- ◆ Produce high quality negotiation training materials
- ◆ Publish military based negotiation case studies, cases, courses, guidebooks and articles
- ◆ Exchange ideas among negotiation practitioners and scholars within and outside of the military
- ◆ Encourage multidisciplinary collaboration within West Point for faculty and cadets

## Save the Date!

**The 3rd Annual West Point Negotiation Conference is scheduled for 28-30 March 2012. We look forward to seeing you there!**

interested in improving the theory, teaching and practice of negotiation

- ◆ Serve as a consulting resource to the Army on key negotiation issues

For more information please visit [www.wpn.org](http://www.wpn.org) or visit us on Facebook.

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WPNP Research Fellows and Senior Members present at the U.S. Air Force Language and Culture Center and the School of Advanced International Studies Symposium on "Conflict Management in Culturally Complex, Uncertain, and Volatile Environments" in Washington, D.C.



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Current & Upcoming Projects:

- Creating a Small Unit Combat Leaders' Negotiation Guidebook for publication and military-wide distribution
- Supporting negotiation training and curriculum development with the Navy SEALs, the Army Sergeants Major Academy, 4th BCT/82nd ABN, and other deploying units
- Consulting on special military projects
- Cadet summer internships programs with ESPN, Boston Scientific, the FBI, LAPD, and the Institute for Creative Technologies

WPNP would like to extend its gratitude to Vantage Partners for sharing the models, methods, and tools they have developed over the past 30 years through research and practice.



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