



# A FAILURE TO ENGAGE

## Current Negotiation Strategies and Approaches

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PHOTO: A platoon leader engages with local religious leaders and village elders during Eid-ul-Fitr in Noor Gul District, Kunar Province, Afghanistan, September 2010.

**D**URING A LUNCH with Afghan government officials not long ago, one of the Afghans, an attorney with 35 years of experience, passionately described the never-ending challenges he faced in reducing tax evasion at Afghan borders and customs depots. For more than five minutes, he described the thousands of papers and receipts that his team had to review to determine whether exemption paperwork was legitimate or counterfeit.

When the Afghan attorney finished speaking, a young Army major who had just been assigned to work with him simply responded, “Thank you for having lunch with us. It is a pleasure to break bread with you. I look forward to working together.”

This response was both odd and predictable. It was odd in the sense that the major did not respond at all to either the emotion or the substance of the attorney’s remarks. Anyone putting himself in the attorney’s shoes might well have thought, “I’m sorry, young man, but did you hear anything that I just said?” Yet, the major’s response was predictable. It was word for word, a textbook example of what military training centers and schools teach U.S. officers to say in such situations.

Later in the conversation, the Afghan attorney boldly ventured to set forth a possible solution to the problem: eliminate all tax exemptions, enforce payment by everyone, but also reduce U.S. support. While, of course, this was neither the time, place, nor level of authority for such a discussion, the Afghan’s action was an encouraging sign—an Afghan leader volunteering to offer a solution for a problem, without seeking a commitment of funds or other U.S. action. Unfortunately, the Army major was quick to tell the attorney, “No, we would never do that.” This essentially ended any further discussion on the subject. The response discouraged the attorney and made it less likely that he would share his ideas with us in the future or that he and his countrymen would believe any U.S. official the next time one asked them for their ideas and solutions.

The incident was yet another lost opportunity to ask “why” (to understand the needs and motivations driving the proposal). Alternative responses might have been, “That is an interesting idea worth discussing in another venue,” “We likely could not commit to your proposal, but I think the reason you are asking for that is because of ‘these concerns,’” “I’m not positive we could do that. What other ideas do you have?” or almost anything else that would have recognized the attorney’s concerns, kept the attorney engaged, and enabled a continuation of the dialogue.

This incident shows a U.S. failure to effectively engage and problem-solve with other people. While some positive, constructive interactions exist, they are diminished by more frequent debilitating actions (e.g., transactional engagements, use of threats, or giving little thought to measures of success).

## A Faulty Mindset

While we should not throw out current negotiating procedures and techniques that are effective or positive, we must improve engagement effectiveness by addressing an inherently faulty mindset that arises from ignorance, unawareness, and untested assumptions about negotiation.

Although there have been many improvements over the past 10 years, military leaders have failed to shift their mindset to engage Afghans and, for that matter, other international, joint, and interagency partners. The following is just a sampling of statements by senior officers that demonstrate a concerned way of thinking:

- “Looks like we have some horse trading to do. We’ll give a little on night raids, and they’ll give a little on Kandahar City.” This statement demonstrates an inability to apply sophisticated problem solving approaches to complex, multiple issue discussions.

- “That’s life in the bazaar—you’ve gotta walk away. Just for a little while.” This extremely tactical approach is evidence of a game of offers, counter-offers, and threats: a game that leads to either a spiral of threats or a series of concessions and compromises, and a result that leaves both parties unsatisfied.

- “The problem is that we’re not negotiating from a position of strength. That’s how you really influence people—hold back what they want until

*they do what you want.*” This demonstrates a belief that there are only two ways to negotiate—be tough or be weak—a faulty assumption about where power comes from in negotiation.

- “We need to call those chips in.” This statement indicates a “favors and ledgers” approach without necessarily understanding the limitations and problems with playing this game: it does not develop the long-term relationship, does not guarantee good communication, often results in unequal perspectives of the ledger, and ignores underlying concerns and fair standards.

- “It was a successful engagement. Our messages were delivered.” This demonstrates a belief that the primary purpose of an engagement is one-way communication. The application of talking points—originally a public affairs/media term—to engagements perpetuates this assumption.

- “The key message to send is not that we have a problem, but that the Afghans have a problem, and we’re helping them out.” One of the first assumptions that we ought to question is whether a problem is “theirs, ours, or both of ours.” If tested, typically one finds that the problem is “both of ours” and requires a joint approach to an effective process and substantive outcome.

These examples demonstrate why the military is so poorly prepared for and ineffective in negotiations. In reality, few agencies—including business, government, and not-for-profit organizations—are much better unless they have deliberately committed time and energy to developing negotiation as a core competency. Military engagement thinking lacks a disciplined framework for systematically working through people problems, resulting in ineffective results in the critical “last three feet” of interaction. A deliberate change in mindset is necessary, and the only way to achieve that change is through changing assumptions.

Unfortunately, most officers are unaware of their assumptions and ineffectiveness; many others seem convinced that they know what they are doing. Given the critical importance of being able to engage with people, an analogy about a more familiar system seems appropriate. Any officer would tell you that firing weapons to engage *effectively* with the enemy involves much more than just handing someone a weapon and telling him to throw rounds down range. Marksmanship

Current Assumptions	New Assumptions
The keys to a successful negotiation are compromise and concession.	The key to a successful negotiation is creativity.
My best tools are statements of "Yes or No," "I'll give X if you give Y," and "Or Else."	My best tools are the questions, "What's driving that?" "How would we defend that and based on what standard?" and "What are some ways you think we might solve this?"
My main job is to get our message across.	My main job is to fully understand their perceptions and interests and engage them in joint problem-solving.
I am most persuasive when I know and show that I am right.	I am most persuasive when I think and show that I am open to persuasion, and when I truly believe I have at least a 1% chance of being "wrong" or can learn something from them.
Power comes from using force or financial and material leverage.	Power comes from driving understanding, creativity, and a fair process.
The only way to get something is to give them what they want.	If we can understand "why" they want something, we can discover more and likely better possible solutions.
If we give now, we can get later.	Creating fair, equal agreements that manage both parties' abilities for follow-through is more effective in the long run.
Failure is their problem.	Failure is a joint problem.
There are only two choices in negotiation: be a hard (anchor positions and make threats) or a soft (give in to build the relationship) negotiator.	The most effective negotiator knows his / her walk-away and has it in his / her back pocket, builds the relationship (develops trust on actions, not concessions), and negotiates substance on the merits (making use of interests, options, and legitimacy).
If they behave badly, I should too.	I should behave in a way that will move us toward where I want to go.
This negotiation is an isolated, transactional event.	The purpose and desired outcome for this event builds upon and sequences with past and future engagements.

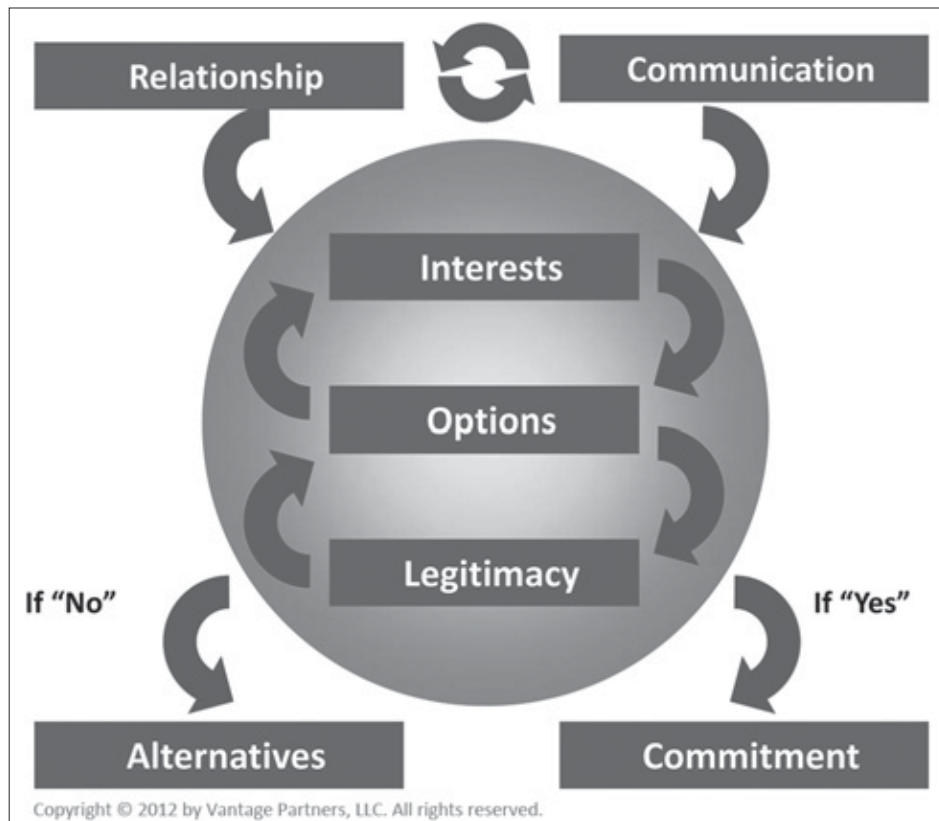
**Negotiation Assumptions**

and live-fire training are deliberate and sequenced events, beginning with basic drills and advancing to live-fire exercises. Why the need for focused training and skills? The answer is effectiveness! If leaders chose to not be deliberate in the training of key weapon systems, would anyone be surprised if effectiveness in employing those systems declined? Of course not. Why, then, are leaders surprised that ineffective approaches are used in engagements, knowing that very few officers have had exposure to the concepts, tools, and processes that could make them more effective?

The military is missing opportunities in its engagements because it does not understand the process or the choices available, resulting in poor decisions focused on immediate outcomes. In some cases, officers eventually get the desired agreement but not the behavioral result, long-term change or follow-through. Evidence of this is that leaders continue to have the same difficult conversations multiple times. Over the past seven years, we built

a list of the reasons why we believe military officers struggle with negotiations:

**Officers lack formal education in how to engage.** Current engagement methods are primarily based on experience and inadequate training, leading to unintended results. Officers rarely have the opportunity to see the long-term consequences of their actions, so experience tends to reinforce a short-term mentality for negotiations. "If I can use force to get something done now, why do I care about the conditions that I create for the person following me?" Abbreviated educational opportunities teach a process of understanding the other party's needs in order to give him things to build trust to exploit later or make threats to get something now. These tactics have proven ineffective in long-term situations involving reoccurring, complex interactions. Officers need a common, robust vocabulary and framework for negotiation taught at all levels of officer education.



### In-the-Circle Negotiation

**Assumptions are not tested and, in many cases, officers are not even aware they are making them.** These assumptions are about the problem, the process, the other people, ourselves, possible solutions, and the appropriate measure of success. A very common and debilitating assumption is that the other person is not helping you because he does not want to help you. A good way to challenge this assumption would be to think about the many possible obstacles that person might be facing that would prevent his cooperation. If you can assist him in dealing with those obstacles, or just recognize that they exist, you will have a greater opportunity to achieve success.

**Officers see negotiation as a “yes or no” transaction versus a discussion of possibilities.** They believe their choice is to be either strong or weak. They forget that the key is to be effective. This is because most officers start from the premise that they must give either everything or nothing. Instead, an entirely different process, known as “principled negotiation,” “joint-problem solving,” or “in-the-

circle negotiation,” emphasizes understanding your and the other party’s interests, being creative in finding joint solutions, applying standards of fairness to the selection of solutions, working to establish clear communication by managing perceptions of all parties, building genuine working relationships, managing alternatives (yours and theirs), and making realistic, actionable commitments. This approach (“In-the-Circle Negotiation”) is a more constructive starting point for negotiations.

**Officers tend to treat engagements as singular events rather than as part of a sequential and cumulative process.** The term “key leader engagement” sounds like a transaction. This may explain why leaders so rarely define the purposes of meetings (beyond “messaging”) or sequence their engagements. They do not see how a negotiation with Person X sets up a following meeting with Person X, or see how meeting with Person Y might set the conditions for engaging with Person Z, and build success incrementally as part of an intentional engagement strategy.



**The most common problem is a strong desire to commit or not commit early to a solution.** The Army trains officers to be decisive; they want to be fast and efficient, so they are quick to dismiss ideas as infeasible. They are actually happy to take a nonoptimal solution rather than working jointly to create value. Officers are often impatient with the process, yet the process may actually be the most critical thing in Afghanistan, owing to the power of perception, a lack of existing systems, and the vast corruption problem.

**Officers fail to engage effectively because of a lack of consideration for the other party’s perspective.** Many officers are either unaware of biases they possess or simply do not want to understand their counterparts’ viewpoints. This is in contrast to the COIN idea of “getting over your own mountain and falling in love with the other guy’s mountain.” Soldiers often make disparaging remarks depicting Afghans as “backward” or referring to them as “those other people.” In addition, some officers are actually afraid that building understanding means agreeing, which is not true.

**There is a belief that money is the critical source of power.** Officers ought to rely on a firm understanding of interests, the ability to brainstorm elegant options that meet persuasive criteria of fairness, effective communication, well-crafted commitments, and a positive working relationship. They should understand that money is not the sole driver of behavior. You can recognize other levers of persuasion that exist and ought to be considered through the use of a “Currently Perceived Choice,” or CPC, tool. It is designed to help negotiators understand why the other party may say “no” to a proposal based upon how the other party currently hears the choice presented to him (typically not how we believe we are asking the question) and their perceived consequences to a “yes” or “no” commitment.

By deliberately working to understand the situation from the other party’s perspective (what we call “walking a mile in their shoes”), you can understand their motivations, needs, fears, and concerns. Rather than trying to change their interests, you can create better options that satisfy their motivations, help them understand

<b>Currently Perceived Choice</b>	
<b>Decision Maker: Afghan Leader XYZ</b>	
<b>Concede to international, external demands, sacrifice autonomy, and</b>	
<b>Decision: Shall I today give up my only source of security, prosperity and status?</b>	
<b>If “yes”</b> <i>I might experience the following consequences</i>	<b>If “no”</b> <i>I will likely experience the following consequences</i>
<ul style="list-style-type: none"> <li>- I lose control over subordinates.</li> <li>- I lose support from key tribes.</li> <li>- Someone else will seize the opportunity and I will have another rival with whom to compete.</li> <li>- I lose the ability to sustain power following international departure.</li> <li>- I lose influence during upcoming elections.</li> <li>- A cascade of uncontrollable changes may result.</li> <li>- Media will report information inaccurately.</li> <li>- <u>However, we also may experience:</u></li> <li>+ Satisfaction of taking action that I believe in.</li> <li>+ Send a clear message of effective government.</li> </ul>	<ul style="list-style-type: none"> <li>+ Maintain status quo.</li> <li>+ Force international partners to continue coming to me.</li> <li>+ I still have my current position and territorial base of power.</li> <li>+ I keep pace with other rival leaders.</li> <li>+ I can keep the enemy at bay in my area.</li> <li>+ There will not be any penalties for not cooperating.</li> <li>+ I can still say “yes” but do nothing.</li> <li>- <u>However, we also may experience:</u></li> <li>- Enemies will continue unhindered funding.</li> <li>- Stability may erode anyway.</li> </ul>
<p>The Currently Perceived Choice Tool was introduced by Roger Fisher in <i>International Conflict for Beginners</i>. HarperCollins Publishers (1969). The tool was further developed by Roger Fisher, William Ury, and Bruce Patton in <i>Getting to Yes: Negotiating Without Giving In</i>. Penguin Group (1981, reissued in 1991 and updated in 2011) and by Roger Fisher, Elizabeth Kopelman and Andrea Kuper Schneider in <i>Beyond Machiavelli: Tools for Coping with Conflict</i>. Harvard University Press (1994)</p>	

the short- and long-term aspects of their decisions, or deliberately weaken their ability to satisfy these needs without your involvement (what we call their alternatives).

**There is a tendency to mix substantive issues with relationship issues.** Officers are not prepared to disentangle the two and to deal with each along separate lines of merit. Attempts to buy a relationship through concessions make Afghans see us as “shadowy.” They are likely to reject our proposals or our efforts to negotiate with them in good faith.

**The military fails to properly define success in a way that makes sense.** Success should be defined in a sophisticated, graduate-level way that matches the complexities faced in counterinsurgency and stability operations. By failing to refine how we measure success, we experience lost opportunities, frustration, damaged relationships, unwanted precedents for doing business, and poor agreements that are doomed to fail. Success could be improving communication, enhancing the relationship, refining each other’s interests, brainstorming solutions without commitment, or researching acceptable and applicable standards. Unfortunately, officers typically have a short-term view of success and do not understand how to strategically sequence or build subsequent engagements to achieve long-term effects. Officers are constantly seeking the “60-minute” or “12-month” win.

**Many officers are not creative.** Military officers are good at obeying orders but far less capable at being creative and finding solutions to problems without guidance from higher echelons. Rather than systematically researching and then making recommendations based on an understanding of the person, situation, and problem, staff officers tend to ask the leader what he wants to talk about. This insufficient analysis hinders both the preparation for and conduct of the negotiation, placing the entire success of the outcome on the ability of the principal negotiator rather than on the entire team. When officers do get “creative” they tend to make “creative offers,” which are significantly different from “creative options.” Offers are still looking for immediate commitment and, typically, are not fully tied to interests. Options, rather, derive from interests and standards for recognizing fair, reasonable solutions.

## Recommendations for Success

Negotiating success requires a fundamental shift in behaviors. What we previously described, our last seven years of research on military negotiations, and that of our colleagues with over 30 years of research and applied work at the Harvard Negotiation Project and beyond, suggests that we need negotiators who are able to:

- Be aware of and question assumptions in negotiation.
- Define a good outcome and systematically measure negotiated success against it.
- Choose between positional and principled negotiating.
- Effectively apply positional bargaining.
- Effectively apply principled negotiation.
- Deal with a hard bargainer (spot, diagnose, and change the game).
- Walking in the other party’s shoes.
- Manage perceptions.
- Build working relationships in negotiation (separate from, and in addition to, effecting strong substantive outcomes).
- Effectively prenegotiate over process.
- Manage group negotiation process.
- Form, manage, and break apart coalitions.
- Align multiple parties.
- Adapt negotiation approaches to cultural differences.
- Systematically and thoroughly prepare for negotiations.
- Review, extract, and share key lessons from negotiations.

Another way of summarizing this is that we need negotiators who can make a fundamental shift in their mindset.

To develop these kinds of negotiators, we recommend the following actions:

**Training.** Run leaders and staffs through highly applied three-day training sessions to develop the core skills of the circle-of-value model shared above. In these sessions (which we have successfully run before with military officers) we share proven strategies and tools for how to measure success; provide instructions; prepare, conduct, and change the game; and review and learn from negotiations. We provide lots of time for practice and reflection through opportunities to apply the strategies and tools to current operational negotiation challenges.

### A CRITICAL SHIFT IN NEGOTIATIONS APPROACH

Taking a purposeful approach to negotiations, rather than a combative one, requires a shift in mind-set.

From	To
What do you want?	Why do you want it?
Will you accept/give up?	What are some different possible ways we might resolve this?
How about we just split it?	By what criteria/legitimate process can we evaluate (and defend) the best answer?
Saying, "I understand"	Showing I understand
Thinking my strength comes from knowing I am right, anchoring well, and effectively using threats	Thinking my strength comes from being open to learning and persuasion, being skilled at figuring out their motivations, and being extremely creative

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Run Afghan leaders and ministerial staffs through similar training. The more skilled our counterparts are in principled negotiation, the more successful both parties will be in achieving their goals. The more our counterparts have the same picture and language and use the same preparation methods and tools for negotiating, the easier it will be to build understanding, break through roadblocks, and engage in joint problem solving. Worth considering are joint, out-of-country military and Afghan training sessions in which expert facilitators help leaders train together and practice working on current negotiations.

**Discipline.** Build a discipline around preparing for negotiation. Negotiators should only engage in negotiations after thorough preparation. They should understand their interests, have hypotheses about the other party's interests, have a range of possible options for negotiations, be armed with standards of legitimacy for determining what

options make the most sense, understand their alternatives, and have taken steps to improve them. They should have considered the other party's alternatives and possible ways to worsen them, planned the purpose of the upcoming negotiating session, and considered how to build trust and understanding based on merit (not substantive concessions). We should meet any negotiation escalated to a higher level with a request for this information before advice or help is given. Even when negotiations happen at the spur of the moment, negotiators should run through the above items. We should expect to do this, model this process consistently, and reward those who succeed at it.

Also build a discipline around reviewing negotiations. Task a committee or team to coach individuals. Enable military leaders to see negotiation not as a binary, "yes or no" transaction but a process for jointly discovering possibilities

and creating value. We should revise our current debrief from strictly an intelligence document to an actual learning document, capturing what worked and why and what to do differently next time and why. Developing actual prescriptive advice helps improve actions and results in follow-on engagements.

**Organizational support.** We must not see a negotiation as a transaction or “engagement” but a process, a sequence of interactions that build on one another. To do this, we must discuss and plan for negotiations through a series of phases: internal alignment, preparation, pre-negotiation over the process, negotiation, mid-course correction, closure, and review. An essential step is defining activities, outputs, and roles for each phase and ensuring coordinated execution of each, as we would with any other operation. In addition, we must develop a system and roles that allow for systematic planning for how to position and message the overall negotiation on any key issue:

- Sequence each meeting with our counterparts with defined purposes and outputs.
- Carefully map and define all key parties to engage, who will engage them, how, on what issues, and at what time.
- Coordinate this through a central team that can monitor progress, leverage lessons learned from meeting to meeting, plan mid-course corrections, and manage the interconnectedness of all of the parts and parties.

**Brainstorming sessions.** Consider facilitated joint brainstorming sessions between selected military stakeholders and Afghans. (Our colleagues at Vantage Partners and Conflict Management Group have used this method for years in highly complex governmental and corporate negotiations.) Focus these sessions on thoroughly understanding the underlying interests of all key parties regarding a set of issues that need a negotiated solution, and then (with no commitment or critique) jointly brainstorm possible solutions that might meet core interests of all parties. To get true out-of-the-box thinking, consider inviting people who are highly knowledgeable and creative, but have no authority

to commit. Focus subsequent sessions on jointly defining evaluation criteria so you can narrow down the options, identify likely critics and their critiques, and improve the possible solutions to address the key critiques. Provide the output to the formal “negotiators” or “negotiating teams.”

## Changing Negotiation Behavior

A leader’s skills must be at their sharpest when the situation is the most challenging. Given complex challenges, diminished resources, an aggressive timeline, and the many alternatives that Afghan leaders have to working with us, officers must be able to think, learn, and be systematic in their negotiation approach if they hope to achieve their objectives. Officers must adopt the tools to systematically prepare for and conduct negotiations that entail joint problem solving, value creation, securing alignment, and defining real commitments.

Changing negotiating behavior is not a simple matter of conducting a few training sessions and admitting that negotiation is an important competency. It requires broader organizational support, from the top down, and an effort to change the way we approach all of our negotiations. Senior officers must set the conditions for negotiation success through the instructions they give, demanding thorough preparation, providing coaching, measuring success, and insisting upon extracting and sharing lessons from key negotiations, and they must do each in a way that is consistent with an “in-the-circle” negotiation approach. To drive real behavior change, they will need to model this same behavior in their own negotiations, and in what they request of, reward in, and reinforce with subordinates.

The military’s evolving mission, context, and power to get things done require a change in how our officers negotiate. In Afghanistan, without real investment and focus in making this change, we will continue to underachieve in key leader engagements. Furthermore, we will miss critical opportunities to work with Afghan leaders to establish necessary conditions for a successful transition and an independent, sovereign Afghanistan. **MR**

*For more information on negotiation training, tools, and organizational support, please contact the West Point Negotiation Project at [wppn@usma.edu](mailto:wppn@usma.edu) or visit [www.wppn.org](http://www.wppn.org)*