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*Monographs, Books, and Publications*. 675.  
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**NEGOTIATION IN THE NEW STRATEGIC  
ENVIRONMENT:  
LESSONS FROM IRAQ**

**David M. Tressler**

**August 2007**

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This monograph was funded by the Harvard Negotiation Research Project through a grant from the William and Flora Hewlett Foundation. The author would like to thank the U.S. Army and Marine Corps officers who discussed their experiences negotiating in Iraq and the following individuals who provided assistance in discussion, advice, debate, and suggestions: Robert C. Bordone, Deputy Director of the Harvard Negotiation Research Project, and Thaddeus R. Beal Assistant Clinical Professor of Law, Harvard Law School; Dr. Douglas V. Johnson, Research Professor of National Security Studies, Strategic Studies Institute, the U.S. Army War College; James McCallum, Professor, U.S. Army War College; Major John Clearwater, U.S. Army, National Training Center, Fort Irwin, California; Captain Jonathan Velishka, U.S. Army, National Training Center, Fort Irwin, California; Dr. Colonel George J. Woods III, Director of Public Administration, U.S. Army War College; Lieutenant Colonel Nathan P. Freier, Director of National Security Affairs, Strategic Studies Institute of the U.S. Army War College; Roger Fisher, Samuel Williston Professor of Law, Emeritus, Harvard Law School. This monograph is adapted from a paper to be published in Vol. XIII of the *Harvard Negotiation Law Review*, forthcoming in Fall 2007.

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Comments pertaining to this report are invited and should be forwarded to: Director, Strategic Studies Institute, U.S. Army War College, 122 Forbes Ave, Carlisle, PA 17013-5244.

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ISBN 1-58487-301-9

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## FOREWORD

The American military's mission in Iraq requires a set of skills and outcomes that are very different than the traditional warfighting for which soldiers are trained. These include negotiation, a common enough human activity that, in the context of military operations in places like Iraq, takes on new complexity, importance, and urgency. Negotiation has become for many military leaders, particularly the increasingly strategically important junior leaders, a daily task in their role of stabilizing, securing, transitioning, and reconstructing Iraq. Yet even given the prevalence of negotiation in the contemporary operating environment, there has been no systematic effort to study the negotiating experience of the American military in Iraq or Afghanistan or to understand negotiation's increasingly important role in accomplishing missions.

This monograph begins to fill the gap by analyzing the experiences of U.S. Army and Marine Corps officers returning from Iraq. It integrates academic research on negotiation theory and practice with their experience on the ground. The author challenges us to see the tactical, operational, and strategic importance of negotiating in an operating environment characterized by near-constant interaction between U.S. soldiers and the civilian and military members of the local populace. The stability, security, transition, reconstruction, and counterinsurgency operation the United States is conducting in Iraq requires a different understanding of how missions get accomplished and what defines mission success.

The author recommends increased training in negotiation and offers practical recommendations

for how officers can improve their negotiating outcomes and how military trainers can supplement predeployment training to ensure that military leaders deploy with the skills and practice they need for what the author argues is becoming a mission essential task in the 21st century operating environment. The monograph includes an outline of a suggested program of instruction that trainers can use to prepare leaders for deployment.

The research behind this monograph was conducted under the auspices of the Harvard Negotiation Research Project at the Program on Negotiation of the Harvard Law School. It is an example of the expertise and insight private research institutions can offer the military community through the Strategic Studies Institute.

  
DOUGLAS C. LOVELACE, JR.  
Director  
Strategic Studies Institute

## SUMMARY

U.S. soldiers in Iraq – from junior to senior leaders – conduct thousands of negotiations with Iraqi leaders while pursuing tactical and operational objectives that affect the strategic import of the U.S. mission in that country. As long as U.S. troops operate under conditions like the ones they currently face while at the same time conducting a counterinsurgency and stability, security, transition, and reconstruction (SSTR) operation in Iraq, negotiation will be a common activity and an important part of achieving mission objectives. Lessons from experience negotiating in Iraq can be helpful in future operations.

This monograph argues that the negotiations conducted in Iraq have tactical importance, operational significance, and strategic implications because of the daily role they play in the missions U.S. soldiers conduct while attempting to secure neighborhoods, strengthen political institutions, acquire information and intelligence, and gain cooperation. The aggregate effect of so many successful or failed negotiations has an impact on the ability of the U.S. military to accomplish its operational mission there efficiently and effectively as well as meet American strategic goals.

The armed services have centers for lessons learned, combat training centers, and a variety of schools for continued training and development of their soldiers and leaders, but there has been no formal study of the negotiating experience that U.S. military officers and noncommissioned officers have gained and the lessons they have learned over the course of their tours in Iraq or Afghanistan that applies the broader field of negotiation theory and its literature to the



practical needs of the U.S. military in conducting those negotiations. This monograph attempts to fill the gap by (1) analyzing negotiations described in narrative interviews with U.S. Army and Marine Corps officers recently returned from deployments to Iraq, and (2) examining the predeployment training currently conducted at the U.S. Army's National Training Center.

The author argues that insofar as negotiation is a critical skill, the U.S. military's improvements in post-conflict capabilities have not kept pace with its otherwise impressive improvements in warfighting. The U.S. military must better prepare itself for the new roles its soldiers—particularly junior leaders—have been asked to play in Iraq and will undoubtedly continue to play in the new strategic operating environment. Those new roles will continue to demand proficiency in the warfighting skills soldiers need when combating armed enemies and protecting themselves against attack. At the same time, SSTR and counterinsurgency operations include such constant interaction with local civilian and military leaders that negotiation may very well be a mission-essential task. America's strategic success in the future may depend on an expanded range of training that includes negotiation skills. More time spent preparing the military's leaders for the negotiating they will inevitably do while deployed to Iraq is critical for mission success. Failure to adapt could be costly.

In the worst case, poorly executed negotiations actually do harm to the U.S. military's mission by embittering Iraqis and turning previously neutral civilian leaders into enemies or creating more disputes than existed before the negotiation, all while failing even to solve the problems or achieve the objectives that

were originally the subject of the negotiation. At their best, U.S. military negotiators achieve U.S. objectives while meeting the interests of their Iraqi counterparts, build stronger working relationships with Iraqi leaders, and engender good will among the Iraqi population.

The U.S. Army has integrated negotiation into its predeployment training. This reflects the widespread recognition that civil-military relations and nonkinetic skills, including negotiation, now play an important role in the operating environment and in Operation IRAQI FREEDOM's complex mission of stabilizing, securing, transitioning, and reconstructing a country mired in conflict. While this training is an important development, it is not sufficient.

The skill and practice of negotiation continues to occupy a very minor role in predeployment training. It is far from proportional to the amount of time that soldiers and commanders actually spend negotiating with Iraqi civilian and military leaders or proportional to the tactical, sometimes operational, importance of those negotiations. Most officers interviewed said they were not prepared for the negotiating they had to do to accomplish their missions. As a result, this monograph offers training recommendations that are consistent with, and would enhance and complement, the U.S. military's current predeployment training in negotiation.

The monograph provides an analysis of negotiations between U.S. military officers and local civilian and military leaders in Iraq's SSTR operation. Based on the officers' experiences, the monograph identifies three key elements of negotiation that exercise particular force in SSTR operations. First is the context in which negotiations take place and which make these negotiations especially unique and demanding. Second,

cultural difference is an important, but relative, factor in such context; it can significantly affect the conduct and outcome of a negotiation, or, more surprisingly, have little effect. Third, the element of power is shaped by a variety of factors unique to military SSTR and counterinsurgency operations.

Based on these findings, the author offers recommendations for U.S. officers to consider when negotiating with local Iraqi leaders; for U.S. military trainers to consider when reviewing their predeployment negotiation training curriculum; and for the armed forces training and doctrine commands to consider when planning and structuring predeployment training. These recommendations integrate the extensive body of negotiation theory and research with the lessons learned from the experience of the U.S. Army and Marine Corps officers interviewed. They include (1) negotiation tactics and techniques that may enhance the effectiveness of U.S. soldiers negotiating with local civilian or military leaders in SSTR and counterinsurgency operations; and (2) ways to supplement current U.S. military training for soldiers preparing to deploy to SSTR operations such as those in Iraq.

The last section of the monograph provides an outline of a recommended program of instruction for trainers and officers that will provide them the skills to negotiate more effectively in SSTR operations and train other leaders to do the same. The program of instruction incorporates proven negotiation principles, techniques, and methods, as well as the specific techniques and approaches that this monograph identifies as being particularly relevant to U.S. military negotiators in SSTR operations.

Transformation of the U.S. military requires adaptation to (1) the types of operations it may continue to be called upon to perform, and (2) the shift of strategic responsibility down to the junior leaders on the ground. Negotiation is more likely than ever to be a significant part of military operations. As it does, negotiation training, education, and research will become more important for the United States Armed Forces. Improvement in military-civilian negotiating will promote more tactical and operational, if not strategic, success in the increasingly complex missions of the 21st century.



**PART I**  
**INTRODUCTION**



The United States is engaged in two major operations abroad in which the government's priorities are to establish and maintain stability and security, affect transition to local governance and security, and reconstruct the country's infrastructure and institutions. These *Stability, Security, Transition, and Reconstruction Operations* (SSTR)<sup>1</sup> in Iraq and Afghanistan command substantial human, financial, and intellectual resources and have challenged U.S. institutions to think differently about the way they have traditionally operated.

The primary instrument for achieving success in SSTR operations is the U.S. military.<sup>2</sup> U.S. Army and Marine Corps support for SSTR operations on the ground, particularly in the immediate post-conflict environment, demonstrates their ability to adapt to and execute a variety of missions that are often very different from the ones for which their soldiers have trained. For this reason, the challenges faced by the Army and Marine Corps in Operations IRAQI FREEDOM and its successors have begun to inform their training efforts.

In Iraq, the proportion of time that U.S. military units spend in nonkinetic activity relative to kinetic operations is substantial, and, for some units in some locations in Iraq, a significant majority of their time.<sup>3</sup> Nonkinetic operations are a critical part of mission success in Iraq. The prevalence of civil-military interaction in the context of SSTR operations results in a significant number of interactions that must be, but are often not, characterized as negotiations. These negotiations have tactical importance and sometimes operational significance in Iraq because of the role they play in most nonkinetic operations in which U.S. soldiers are focused on such objectives as strengthening



local political institutions or securing information and intelligence.<sup>4</sup>

They also play a role in kinetic operations. In one way, there is more at stake in a kinetic operation than in any one negotiation. Threats to Iraqis, U.S. troops, or stability in general are often more immediate and lethal. Lives are at stake. The U.S. military rightly focuses its training efforts on preparing for kinetic operations. Yet, there are many times when negotiations arise amid operations that often end up turning kinetic, such as cordon and searches, raids, checkpoints, and even patrols. Negotiations are sometimes the last chance to prevent some situations from turning lethal and to solve problems in a way that poses less risk of losing American lives or creating more enemies than the tactical objective is worth. Even when there is not a risk of immediate use of force, negotiations can contribute to accomplishing stated U.S. objectives in Iraq: supporting Iraqis in creating, establishing, legitimizing, and running their own government and security, as well as reducing the risks to American soldiers.

In many cases, negotiation may be one of the primary tools the U.S. military uses to achieve mission objectives. As long as U.S. troops operate in Iraq and face an insurgency and sectarian violence, negotiation will be a common activity. More importantly, the lessons from the military's experience in Iraq can be helpful in future operations with SSTR character.

### **The Importance of Negotiation Training in the New Strategic Environment.**

For this reason, there should be more study of and training focused on preparation and strategy at the

tactical and operational levels for engagements that may, in aggregate, take a significant proportion of a unit's time and, more importantly, have substantial tactical value to the unit in achieving objectives in its area of responsibility. Over time, success or failure in these engagements has operational significance to the U.S. military across Iraq and could even be of strategic importance.<sup>5</sup> The U.S. military's improvements in post-conflict capabilities have not, however, kept pace with its otherwise impressive improvements in warfighting.<sup>6</sup>

Nevertheless, the U.S. military is adapting. It has started to train and prepare units for Iraq's SSTR operation in a variety of new ways. Due to the U.S. military's increasing awareness of the importance of nonlethal operations, including negotiations, the Army's combat training centers (CTCs) have adapted their curriculum to include a greater emphasis on such civil-military interactions.<sup>7</sup> Combat training centers provide combat and mission-oriented training to prepare units for deployment to Iraq and Afghanistan. The CTCs primarily rely on simulation exercises that provide the unit-in-training with experience facing the same types of tactical problems and challenges they might face during their upcoming mission overseas. The training conducted by the U.S. Army's National Training Center (NTC) at Fort Irwin, California, is representative of the military's predeployment training.<sup>8</sup>

Until just 2 years ago, the NTC focused on training units for high-intensity conflict using brigade-sized simulated tank battles.<sup>9</sup> The CTCs began changing their curriculum in the wake of Operation IRAQI FREEDOM (OIF) and Operation ENDURING FREEDOM (OEF-Afghanistan) to respond to the realities that U.S. troops were facing in those two operations. It became

clear that the nature of the mission had changed from invasion and quick transition to a long-term security, stabilization, transition, and reconstruction operation in the midst of insurgency, sectarian violence, and terrorism.<sup>10</sup>

The U.S. Army's current predeployment training in negotiation provided at the NTC is an important development reflecting the "mind-shift" within the Army at the tactical level.<sup>11</sup> But the skill and practice of negotiation continues to occupy a very minor role in predeployment training, and the time spent training for negotiations is not proportional to the amount of time that soldiers and commanders will spend negotiating with Iraqi civilian and military leaders or proportional to the tactical, sometimes operational, importance of those negotiations.

For example, at the NTC a company commander negotiated with the mayor of a village over the custody of four detainees accused by the officer of participating in an insurgent suicide bombing attack.<sup>12</sup> The commander asked for the mayor's cooperation. The mayor and police chief, standing in the doorway, would not allow U.S. soldiers to take custody. At an impasse, the U.S. commander called his battalion headquarters for permission to take the detainees by force. He continued to negotiate with the mayor. An agreement was reached under which the U.S. unit took only one of the four prisoners. As the soldiers were preparing to take the prisoner, the town was shelled with insurgent mortar fire.

This negotiation—which took place in a simulated environment but was neither staged or scripted—demonstrates the unique, challenging environment in which the U.S. military negotiates with civilians in operations like Iraq. Violence and the threat and fear of

violence often exists in the background of negotiations. The entire event was precipitated by a suicide bomber. The negotiation was spontaneous but important to achieving a unit's mission objective and preventing the situation from turning kinetic.

In this situation, negotiation was the best solution for both the Americans and the mayor, and despite the option of using force, the captain found a way to avoid it through continued negotiation. The unit did not destroy its vital relationship with the town's civilian leadership, yet it did not really meet its objective. This captain deployed to Iraq in June 2006 with experience in trying to negotiate under these circumstances, but he did not have as much training specific to negotiation skills as he needed to be prepared for the inevitably large number of negotiations like this one that he will conduct with Iraqi civilian, police, and military leaders.

Negotiation training at the NTC focuses primarily on battalion and brigade commanders and their staffs. It does not include junior leaders. Yet the latter are frequently engaged in negotiations.<sup>13</sup> Expanding negotiation training to include all leaders who are likely to conduct a substantial amount of negotiation while deployed to an SSTR operation would strengthen each unit's capability while executing its mission.<sup>14</sup>

The Army and Marine Corps must prepare for the missions they will be called upon to accomplish in the new strategic environment of the 21st century.<sup>15</sup> The costs are high of not adapting to the new roles soldiers are being asked to play and will undoubtedly continue to play in future operations.<sup>16</sup> Those new roles will continue to demand proficiency at the warfighting skills soldiers need to combat armed enemies and protect themselves against attack. There will continue to be

exclusively kinetic operations for which units must be prepared. However, many missions inevitably will include negotiations with civilian or military leaders. In nation-building SSTR operations or counterinsurgency campaigns, negotiation may very well be a mission essential task.

In the many scenarios that cannot be anticipated, soldiers must call upon the judgment, adaptability, and tactics, techniques, and procedures (TTPs) that the Army or Marine Corps has trained them to use. When it is inevitable, however, that soldiers will repeatedly need to negotiate with civilians, it only makes sense to train them to do it well and to provide negotiation-specific TTPs based on the experience of other soldiers and proven theory from the field of negotiation research.<sup>17</sup> Strategic success in the future may depend on such an expanded range of training.

Dedicating more time during predeployment training to preparing these leaders to negotiate will allow for training in techniques, methods, and theory that are important for lasting effectiveness and mission success. This does not ignore the military's need to prepare its troops for the challenging and dangerous security situation they face in places like Iraq. Combat-focused training must always be the first priority. Units preparing to deploy must train on tactics, prepare equipment, and accomplish countless other tasks before arriving in theater. Time constraints make it difficult to introduce new training. Nevertheless, given the important (and increasing) role in Iraq of nonkinetic activities such as negotiations, the time spent training soldiers to negotiate with Iraqi civilian or military leaders should be at least commensurate with the amount of time—relative to combat—that they will actually spend negotiating.

If deploying leaders currently receive any negotiation training, it is minimal. U.S. officers that train at the NTC currently receive an approximately 4-hour-long block of instruction on negotiation. There are many officers who do not even get the benefit of this training. The research on which this monograph rests—interviews of U.S. military officers—shows that a relatively minor adjustment needs to be made in predeployment training that would balance the need for combat readiness with the need for nonlethal, mission-essential skills.

In the worst case, poorly executed negotiations may actually do harm to the U.S. military's mission in Iraq by embittering Iraqis and turning previously neutral civilian leaders into enemies, creating more disputes than existed before the negotiation, as well as failing to solve the problems that were originally the subject of the negotiation. At their best, U.S. military negotiators achieve their own objectives while meeting the interests of their Iraqi counterparts, build stronger working relationships with Iraqi leaders, and engender good will among the Iraqi population. In between, negotiations may have less extreme effects, but mildly productive outcomes and neutral effects on Iraqi sentiment are not exactly optimal.

In the current strategic environment, every junior leader is a “strategic corporal” and all officers, from lieutenant to general, are expected to be especially adaptable, flexible leaders who are prepared to overcome obstacles and accomplish their missions in what is often a confusing, tense, unfamiliar environment.<sup>18</sup> With thousands of negotiations being conducted by U.S. soldiers in Iraq, the aggregate effect of negotiations that damage the reputation of the U.S. military or do not achieve the intended outcomes—or,

alternatively, of those that do—has an impact on the ability of the U.S. military to efficiently accomplish its operational mission there. More time spent preparing the military’s leaders—from squad leader to field officer—for the negotiating they will inevitably and actually do while deployed to Iraq is critical for the U.S. military’s mission success.<sup>19</sup>

### **Summary of Findings.**

The armed services have centers for lessons learned, CTCs, and a variety of schools for continued training and development of their soldiers and leaders, but there has been no formal study of the negotiating experience that U.S. military officers and noncommissioned officers (NCOs) have gained and the lessons they have learned over the course of their tours in Iraq or Afghanistan that applies the broader field of negotiation theory and its literature to the practical needs of the U.S. military in conducting those negotiations.<sup>20</sup> This monograph attempts to fill the gap by (1) analyzing the negotiations described in narrative interviews conducted in 2005 and 2006 with officers who had recently returned from deployments to Iraq, and (2) examining the predeployment training currently conducted at the U.S. Army’s NTC.

Analysis of the interviews identified three key elements in negotiations between U.S. military officers and local civilian leaders that have particular importance for their outcomes.<sup>21</sup> First is the context in which SSTR negotiations take place and which make these negotiations especially unique and demanding. Second, culture is an important, but relative, factor in such context; it can significantly affect the conduct and outcome of a negotiation, or, more surprisingly, have

little effect. Third, the element of power is shaped by a variety of factors unique to military SSTR operations, particularly the tactical or operational value placed on the relationships at stake in the negotiation. How military negotiators exercise their negotiating power makes a difference in how successful they are.

The author offers recommendations for U.S. officers to consider when negotiating with local civilian leaders, for U.S. military trainers to consider when reviewing their predeployment negotiation training curriculum, and for the Army and Marine Corps training and doctrine commands to consider when planning and structuring predeployment training. These recommendations are based on analysis of the interviews and on an extensive body of negotiation literature. They include (1) negotiation tactics and techniques that may enhance the effectiveness of U.S. soldiers negotiating with civilian leaders in SSTR operations—in Iraq and future SSTR operations;<sup>22</sup> and (2) ways to supplement current U.S. military training for soldiers preparing to deploy to SSTR operations such as those in Iraq.

Adopting the recommendations discussed in this monograph will require more training, as well as more practice and evaluation, all of which requires more time than is currently spent training soldiers to negotiate. Officers who are likely to be involved in or conducting negotiations in SSTR operations should be provided negotiation education and training lasting 2 or more days. Those at the military's predeployment training centers who conduct negotiation training should themselves have a solid foundation in negotiation through a course at one of the military's schools or a civilian institution, or a 3-5 day course provided by an experienced negotiation educator or trainer.



The monograph first discusses the broad key techniques or approaches to SSTR negotiations that were developed from the interview and research findings in each of the three areas described above. Each section provides particular recommendations for military negotiators that integrate negotiation research and theory in that area with the lessons learned from the experience of U.S. officers. The last section provides an outline of a recommended program of instruction for trainers and officers that will provide them the skills to negotiate more effectively in SSTR operations and train other leaders to do the same. The program of instruction incorporates proven negotiation principles, techniques, and methods, as well as the specific techniques and approaches that this monograph identifies as being particularly relevant to U.S. military negotiators in SSTR operations like Iraq.

### **Interviews with U.S. Army and Marine Corps Officers.**

This monograph is based on interviews with U.S. military officers. Their experience includes thousands of negotiations in Iraq and Afghanistan conducted with civilian Iraqi or Afghan leaders, usually local mayors, sheiks, tribal leaders, or town council members. Some were conducted in formal meetings, some informally on the street. The issues negotiated reflect the entire range of challenges and priorities that the American military has faced and continues to face in its ongoing mission in Iraq. Some negotiations were related to security concerns, information about insurgents or terrorists, cooperation in supporting elections, or support for American and Iraqi military and police efforts. Many negotiations were over cooperation

with, or the scope of, reconstruction efforts. Some negotiations involved the terms of a reconstruction or supply contract. Others were negotiations with newly-established councils over governance issues in their towns or neighborhoods. Still other negotiations were over detainees or hostages.

The negotiations discussed by the interviewees reflect the experience of the U.S. military throughout the entire period of its occupation of Iraq that can be characterized as an SSTR operation—from the time that the U.S. declared victory in the invasion through the current efforts to support Iraqi civilian government and leadership and stand up Iraqi security forces.<sup>23</sup> Except for one who spent a year in Afghanistan during OEF, all of the officers served in Iraq during OIF-I, OIF-II, or OIF-III. Of those who deployed to Iraq, their time of service spans from the initial invasion in March 2003 to January 2006 and time periods in between. The officers were mostly U.S. Army active duty officers or former officers but also included one member of the National Guard and three officers or former officers of the U.S. Marines. They include infantry, field artillery, civil affairs, transportation, and armor officers.<sup>24</sup>



**PART II**

**LESSONS FROM NEGOTIATING IN IRAQ:  
PROVEN NEGOTIATING METHODS,  
TACTICS, AND TECHNIQUES**



## **Consider Context, Prepare Thoroughly, and Be Strategic.**

*Principles of Preparation and Context.* U.S. soldiers negotiating with civilians in SSTR operations should prepare for negotiations as they would for any other operation. Preparation is an important prerequisite to negotiating effectively. That preparation should also be strategic, which requires a thorough understanding of the context in which the negotiation will take place. Negotiations that take place in SSTR operations like Iraq are dominated by the context within which they are conducted.

It seems obvious to say that the context will shape the negotiation and should inform an officer's preparation. Yet it is worth exploring further, because the context distinguishes these negotiations from other types of negotiations that take place in other settings. The context makes it more difficult to apply standard negotiation theory to these negotiations, yet the fundamental principles described in the negotiation theory and research still hold true for negotiations in SSTR operations. At the same time, officers negotiating in Iraq tend to treat negotiations too much like any other operation, without considering the contextual differences between them.

Therefore, when preparing for negotiations, officers should deliberately choose a tactical approach to conducting the interaction that takes into account the complex negotiating context. There are many options, but they can be grouped into four general approaches described in the negotiation literature:

1. Focus on power: Alternatively called contending, competition, distributive bargaining, or claiming value.<sup>25</sup>

2. Focus on interests: Also called problem-solving, collaboration, integrative bargaining, or creating value.<sup>26</sup>

3. Accommodate: Also referred to as yielding; relevant to a party who values the relationship with his counterpart more than the negotiation's outcome.<sup>27</sup>

4. Avoid: Relevant when the cost of negotiating is higher than the potential gain from the negotiation, or when a party can achieve the same gain without negotiating.<sup>28</sup>

There are appropriate situations for each of these tactical choices. Generally, *focusing on interests* and *accommodating* both offer higher chances of securing agreement than *focusing on power*. On the other hand, focusing on power offers a potentially more favorable outcome for the stronger party if an agreement is reached, but this approach entails several risks.<sup>29</sup> Agreements tend to be more difficult to secure and more difficult to enforce afterward. Whether soldiers focus on power or not, their power in the negotiation will still play a fundamental role in influencing the outcome. When deciding on a tactical approach, they should be strategic about how they demonstrate and exercise their power.<sup>30</sup>

Officers considering which tactical approach to take should consider the advantages and disadvantages of each, given the particular context.<sup>31</sup> U.S. officers should consider the specific methods needed to execute each approach and the effects those methods may have on the outcome. They should also consider the relationship(s) involved and the military unit's priorities outside of the negotiation that may be affected by its outcome or the tactics used.

Analysis of the interviews provides support for one aspect of the way the Army is now training officers prior

to deployment, namely to prepare for a negotiation by understanding the situation in which it takes place.<sup>32</sup> The Army places primary emphasis on achieving situational awareness and a thorough understanding of its area of operations in its negotiation training for units preparing to deploy. This focus on the context within which military-civilian SSTR negotiations take place is appropriate. The experience of the U.S. officers interviewed, as well as a significant body of negotiation research, supports this conclusion.<sup>33</sup>

*Army and Marine Experience in Iraq's Negotiating Context.* A significant majority of the officers interviewed—and all of those with the most experience negotiating—highlighted the importance of understanding the context.<sup>34</sup> One Marine officer who served as the commander of an Iraqi army base near Tall Afar, Iraq, and negotiated often with a local sheik noted that, “If you didn’t have a good understanding of the situation, you were flatfooted . . . [and] could be easily taken advantage of, manipulated, or maybe unintentionally promise something that you couldn’t deliver on . . . ”<sup>35</sup> It was critical, he said, that he have a thorough understanding of the entire situation, and not just his own position.<sup>36</sup> He believes that his success was limited in a series of negotiations with a local sheik over the use of equipment needed to enhance security at his base, because the sheik may not have been the right person to talk to or may not have been someone who could be trusted.<sup>37</sup> Other soldiers echoed this lesson.<sup>38</sup>

Those who felt unprepared for the task of negotiating learned the importance of understanding the context. An armored cavalry officer expressed what other interviewed officers also articulated: that



in business and contractual negotiations with Iraqis, they felt the most unprepared because they did not yet have an understanding of the local economy, prices, and the structure of local businesses, among the many other situational factors.<sup>39</sup> An infantry officer who arrived in Iraq with the initial invasion force, and was later assigned to civil-military tasks and information operations, discussed—as an example of his lack of preparation for negotiating with Iraqi civilians—a negotiation for the use of a building needed by the U.S. Army. As he was negotiating the rent, he realized he did not know what an Iraqi dinar was worth. He believes that he appeared unprepared when he had to call his unit for the exchange rate.<sup>40</sup> A field artillery officer who was also in Iraq in 2003 noted that they “didn’t have the landscape in front of us.”<sup>41</sup> Another field artillery officer serving in Iraq as a civil-military operations officer in 2004 and 2005 noted his inexperience at negotiating and his lack of knowledge about the Iraqi economy.<sup>42</sup>

These simple examples demonstrate the complex realities that soldiers face when they are deployed as part of SSTR operations and have to negotiate with civilians outside their areas of expertise and training. Culture, of course a significant aspect of the context, is addressed in detail in the next section.

Other negotiations demonstrate the positive impact that an understanding of the context and all of its variable elements can have. For the field artillery officer who started negotiating in Iraq with too little knowledge about the context in which he was dealing, the time he spent negotiating hundreds of reconstruction agreements provided him with not only a facility at negotiating with Iraqi contractors, but a reputation as well. That reputation among Iraqis

reflected his improvement; contractors knew his limits and that they could not take advantage of him.<sup>43</sup> In negotiations over the administration of a local hospital, an armored cavalry officer successfully took part in negotiations for which an appreciation of the context was critical.<sup>44</sup> His U.S. Army unit was responsible for an area several miles outside of Baghdad. It negotiated with a hospital administrator to use more hospital resources to increase hours and services for the general public. The administrator claimed that he did not have enough resources, but the U.S. officers involved knew the hospital was directing a disproportionate amount of resources to preferential treatment for local sheiks. These soldiers understood the social and political context in which the hospital operated and the extent to which it had to rely on U.S. Army financial support. They used that knowledge to apply their own and third-party pressure to convince the administrator to increase the hospital's hours and doctors.

*Discussion.* The examples discussed above demonstrate how an understanding of the local area and culture and the individuals involved in a negotiation—the entire context—can increase one's strength in the negotiation.<sup>45</sup> One officer noted the importance when negotiating in Iraq of letting your counterpart know that you understand the dynamics of the situation.<sup>46</sup> If he was trying to take advantage of you, it causes him to lose face because the deception is brought out into the open. All negotiations pose a risk of one party taking advantage of another poorly informed party. For soldiers conducting negotiations in SSTR operations located in different countries with different cultures, languages, currency, customs, traditions, and norms, the potential is even greater and the need to become

well-informed even more important. As a U.S. Army trainer with experience negotiating in Iraq directed, “You have to be fanatical about understanding your area of operations. It’s what you’re going to do for the next year of your life. You wouldn’t move into a new house without knowing every nook and cranny of it and getting it inspected. So why don’t you move into negotiation with the same intensity?”<sup>47</sup>

The outcome of a military-civilian SSTR negotiation cannot be understood without understanding the context in which the negotiation took place. Effective negotiation in such situations turns on the research and preparation needed to appreciate the many particular elements that make up the entire situation. The context in SSTR negotiations, as in all negotiations, will have many variables, including but not limited to different individuals, organizations, and structural relationships; different locations, politics, and history; different issues, priorities, and interests; as well as cultural differences, power dynamics, and relationships. Analysis of the interviews conducted for this monograph strongly suggests that these latter three elements dominate the context of any particular military-civilian SSTR negotiation, wielding the most influence on how soldiers and sheiks conduct negotiations.

Negotiation “context” often encompasses more factors and variables than traditional situational analyses conducted by military officers for the purpose of planning operations. When preparing for negotiations, officers should take a broader view of the situation than they are typically trained to take.

The military decision making process and steps to completing a situational analysis or intelligence preparation of the battlefield are useful starting points for officers preparing for negotiations. The

military has developed these sophisticated systems for analyzing situations and developing plans to achieve mission success. However, these frameworks prepare commanders to make plans for sometimes very different types of engagements than negotiations. In some cases, they require analysis that is focused on factors that may be irrelevant to a negotiation, while ignoring factors that are critical to effective negotiation preparation. Officers must adapt the steps and components of these decisionmaking and analytical procedures to fit the elements of negotiation.

Some components of the process do not require much modification and can be applied to preparation for negotiations. Developing courses of action, wargaming them, and deciding on a course of action can be utilized as general steps to determine the specific negotiation techniques needed for a particular negotiation. Mission analysis, in which an officer understands his commander's intent for the negotiation or for an operation in which the negotiation takes place, is as important for negotiation as for any other operation. As discussed above, however, commanders and negotiating officers must take into account the entire context of the negotiation when developing their intent, desired endstate, and goals for the negotiation.

In other cases, the planning process needs to be significantly altered to fit the tactical demands of negotiation. For instance, the orientation of the analysis needs to be shifted from that of an operation *against* an enemy to a negotiation *with* a party who may be an ally, potential ally, potential enemy, or enemy, among other possible categories. This complicates the analysis military officers are trained to conduct. Officers should continue to analyze their counterpart's most probable course of action and most dangerous

course of action. However, in the case of negotiations, this should rarely be within the context of an enemy analysis. Many questions asked about “the enemy” in a traditional planning process are not relevant and need to be reoriented or eliminated for the purpose of negotiation preparation. Instead, U.S. negotiators should think about their counterpart’s interests and priorities, constraints, strengths, weaknesses, and the relative difference in information between the parties.

### **Understand, Manage, and Adapt to Cultural Differences.**

The narratives of the U.S. officers interviewed for this monograph provide a basis for drawing conclusions about the extent to which culture and cultural differences influence the conduct of military-civilian negotiations in the unique and sophisticated context of an SSTR operation.<sup>48</sup> All of the U.S. officers interviewed emphasized the importance of understanding the cultural differences that exist between U.S. soldiers and Iraqis.<sup>49</sup> The details of their stories and comments revealed a more complex reality, however – one in which cultural differences interacted with other elements of the overall context, particularly the way in which power was exercised, displayed, or perceived by U.S. military negotiators. Moreover, to say that culture is “important” does not explain how cultural differences actually influence the way in which U.S. soldiers and their civilian counterparts conduct negotiation, or how the presence of culturally different values or norms affect their strategies.<sup>50</sup>

This section proposes that:

1. The influence of culture in military-civilian SSTR negotiations can be significant.<sup>51</sup>

2. The influence of culture is, however, dependent on (a) the relative influence that other elements in the negotiation's context exert on the parties, including the many different cultures (e.g., national, organizational, ethnic, tribal, political, regional, professional) at play in a negotiation and the many interacting contextual elements described above,<sup>52</sup> and (b) the negotiators' individual personalities and negotiation tactics.<sup>53</sup>

Therefore, even in the cross-cultural negotiations of SSTR operations, cultural difference is only one of many factors a U.S. soldier should consider when preparing for a negotiation, and he should not allow cultural difference to become a barrier to negotiated agreement. Nor should cultural differences between U.S. military negotiators and Iraqi civilians be an excuse for a negotiation's failure. No negotiation need fail solely because of cultural difference.

*The Effect of Cultural Differences in Negotiation.* Cultural difference can be a significant factor affecting military-civilian negotiations in SSTR operations.<sup>54</sup> Cultural values, norms, institutions, and ideologies that are not shared between U.S. soldiers and Iraqi civilians may cause each to pay different levels of attention to the issues involved or to each other's interests. They may define appropriate behaviors differently and interpret situations differently.<sup>55</sup> Officers said that particular cultural differences and norms, mostly national and ethnic, affected their negotiations with Iraqi civilian leaders by sometimes influencing what strategies they used while negotiating. While these are necessarily specific to Iraq, their impact on the conduct of negotiations can be generalized to provide insight into the dynamics of military-civilian negotiations in SSTR operations, as well as possible tactics for, and responses by, U.S. military negotiators.<sup>56</sup>

Some scholars suggest that three features of culture are related to the variability of negotiation strategy among negotiators from different national cultures: individualism vs. collectivism; egalitarianism vs. hierarchy, and the low- vs. high-context norm in communication.<sup>57</sup> Another framework identifies five models for understanding the ways in which relations between military officers and others can be culturally influenced: narrative and verbal styles, context style, thinking and reasoning style, information processing (ambiguity) style, and power style.<sup>58</sup> These culturally variable features shape the way people understand their experiences, but they do not determine them.<sup>59</sup> Culture is the “lens” that refracts the issues or disputes to be negotiated.<sup>60</sup>

Some negotiator biases may be culturally variable because the social judgments they reflect are likely to diverge across cultures.<sup>61</sup> Culture can influence the availability, accessibility, and activation of the social knowledge structures or constructs that inform a negotiator’s cognition of the negotiation context.<sup>62</sup> This means that negotiators may not share the same understanding of an issue or the same framework for thinking about the issues involved in the negotiation. Research shows that three factors—the social context, the tasks presented to the negotiator by the conflict or his counterparts, and the negotiator’s state of mind—determine whether or not such culturally determined knowledge structures are likely to make a difference at the bargaining table because of their cross-cultural variation.<sup>63</sup> These three factors can help to identify the sources of various conditions that might affect a negotiation by predicting conditions under which cultural differences will be pronounced (and more influential) or diminished. This suggests that cultural

differences may or may not matter, depending on the conditions under which the negotiation takes place.<sup>64</sup>

Analysis of the interviews in this monograph suggests that negotiation theory should take neither an entirely universalist nor relativist approach to culture in negotiations. A *universalist* approach suggests that culture does not matter at all; negotiators everywhere share the same biases and think about conflict and dealmaking in the same ways.<sup>65</sup> The *relativist* approach suggests that all of the biases and perspectives pertinent to negotiation vary across cultures, preventing entirely the application of negotiation research from one culture to the negotiators of another culture.<sup>66</sup> The evidence here, along with a substantial amount of the negotiation literature, recognizes that neither extreme is realistic. Nevertheless, the study of cross-cultural negotiations supports a universalistic-leaning notion that there will often be less cultural variance in cross-cultural military-civilian SSTR negotiations than is often assumed.<sup>67</sup>

This means that U.S. officers negotiating with Iraqis can control and manage the effect that culture has on the negotiation.<sup>68</sup> Several officers believed that personality was as likely to have a powerful effect on a negotiation as culture.<sup>69</sup> Research arrives at the same conclusion as analysis of the interviews: culture can have an important effect on a negotiation but is highly contextual and can even be manipulated, managed, or diminished by astute and effective negotiators.<sup>70</sup> It may often be advantageous, for instance, to effectively anticipate a cultural norm in order to diminish its effect or complement it to the advantage of securing a commitment, instead of mimicking the Iraqi counterpart's culture.<sup>71</sup>

A number of officers successfully managed the conditions of the negotiations and their own



behavior to neutralize effectively a potential barrier to agreement posed by a cultural difference. Some simply set the conditions of the negotiation to maximize the possibility for an optimal outcome, given the likely influence of a particular cultural norm of which the officer was aware. Several of the officers demonstrated a cultural competence derived from their extensive study of Iraqi national and tribal culture; their astute situational awareness of the area in which they were operating, including the local politics and economy; and their own personal skills. They used this to anticipate, manage, and operate effectively in the cross-cultural environment, often eliminating cultural difference as a factor or barrier to agreement.

*Army and Marine Experience Negotiating Across Cultures in Iraq.* Most officers said explicitly that it was essential to understand the local customs and culture. Many claimed it was the most important factor, saying that understanding the culture of their counterpart was the most important variable in negotiating successfully. U.S. soldiers and Iraqi civilians exhibit different notions of commitment and degrees of willingness to make promises.<sup>72</sup> Because of their different ways of communicating and relating, they interpret differently statements made to each other in negotiations and attribute different meanings to them. Iraqis are more likely to understand some statements made by U.S. officers to be promises when no promise was intended.<sup>73</sup> U.S. officers negotiating with Iraqi civilians therefore need a sophisticated understanding of their cultural differences and an ability to utilize that understanding effectively and productively.

A Marine commander stationed near Tall Afar noted that without appreciating the culture, the nuances of

cultural difference between Americans and Iraqis, and the role within Iraqi culture of the sheik and tribe, “you fail at whatever you need to do.”<sup>74</sup> Cultural differences have sometimes created misunderstanding and even disgust on both sides of U.S.-Iraqi interactions.<sup>75</sup> A civil-military relations officer assessing the general prerequisite of trust in Iraqi culture acknowledged that “[t]here is not a lot of trust between men in a place like Iraq. However, the appearance of trust (or the societal obligation to demonstrate trust) is almost as powerful as trust itself.”<sup>76</sup>

The officers’ descriptions of their experience confirm that cultural differences exist between U.S. soldiers and civilian leaders in SSTR operations, and that culture has the potential to influence the success or failure of a negotiation from the perspective of the U.S. soldier. The officers emphasize that understanding the relevant cultural styles helped them negotiate.<sup>77</sup>

Yet their experience also uniformly shows that culture’s influence on the conduct of any given negotiation is dependent on many other contextual factors. The dynamic, variable interaction of factors, such as the parties’ interests, power, constituency demands, potential to apply force, history, politics, psychology, personality, not to mention individual skill and experience, means that no negotiation will be the same. The influence that culture will have on a negotiation depends on how these factors influence the parties and whether they trigger culturally-specific responses or even override the differences in cultural values.<sup>78</sup> Culture is not always an important factor.

A particular correlative relationship observed across the interviews – that between power and cultural difference – illustrates just how highly contextual the role of culture is in negotiations, even between two

parties as culturally different as American soldiers and Iraqi sheiks: Cultural differences may have less effect in a negotiation when power increases in importance, which happens when the relative power between the parties becomes more imbalanced.

In other words, the greater the asymmetry of power between the parties (or perception of such), the greater the chance that the cultural differences between them will play *less* of a role in affecting how the parties negotiate.<sup>79</sup> The stronger party will have the power to ignore or violate the cultural norms of the weaker party with a lower risk of consequences. As will be discussed in the next section, there are substantial reasons to believe that this would rarely be a productive use of one's negotiating power in the context of a military's relatively long-term SSTR mission.<sup>80</sup> It may also decrease one's power in the negotiation itself, if the weaker party's response leads to an increase in his negotiating power.<sup>81</sup> This relationship demonstrates that the influence of cultural difference will be, or can be, minimal in many military-civilian negotiations beyond the cultural niceties of polite negotiators.<sup>82</sup>

The interviews further suggest that biases, perspectives, and the many other conditions that affect negotiation are not always different across cultures. Often the general stereotypes of national or ethnic cultures do not apply to individual negotiators who are members of that national or ethnic group.<sup>83</sup> While there are cultural differences, there are also similarities.<sup>84</sup> In many cases, the social knowledge structures informed by culture and reflecting cultural differences are not activated in a negotiation and never become a factor.

Some of the interviewed officers demonstrated a tendency to overemphasize the role of culture in the negotiations they described, which may explain the

overwhelming proportion of the officers who said that culture was the most important factor in their negotiations.<sup>85</sup> The same tendencies may have reflected information bias, a widely-studied phenomenon in which negotiators interpret information favorably to their side and exaggerate the other side's position.<sup>86</sup> Some officers understood their negotiations differently and put culture into context.<sup>87</sup> These latter negotiations demonstrate how culture's importance must necessarily be dependent on the context of the negotiation and its many variable factors.

*Discussion.* One of the major lessons from this monograph is that U.S. soldiers operating in SSTR environments conducting frequent negotiations with civilian leaders in the local population must operate with an acute awareness—based on a thorough understanding of the culture—of the many contextual factors that can and might influence their negotiations, including conditions that are culturally variable and may present cultural barriers to an agreement. The reason for this, however, may strike many as counterintuitive. Awareness of the situation and a thorough understanding of an Iraqi's culture can serve the purpose of actually diminishing the importance of the cultural differences between the U.S. soldier and the Iraqi. It allows skilled negotiators to control or manage some of these contextual factors and cultural conditions in order to maximize the potential for an optimal outcome.

First, soldier-negotiators operating in an SSTR environment—as opposed to an exclusively kinetic combat operation—must understand the culture of their counterparts. The U.S. military's integration of cultural awareness into its predeployment training

suggests its belief that cultural awareness is not only diplomatically beneficial, but that soldiers can utilize that knowledge tactically in a negotiation. The soldier should not only understand the “culture” in a generic way but should understand what cultural variables will be potentially in play in a negotiation, given the other factors making up the context. He should consider what elements are present in the negotiation’s context that may accentuate or diminish such cultural variables.

Second, a U.S. military negotiator can use this understanding of the cultural differences between him and his civilian counterpart to manage his own behavior and try to prevent activation of certain culturally variable factors that could present an obstacle to the negotiation.<sup>88</sup> This requires a thorough understanding of the other’s culture, an ability to reflect on one’s own cultural and cognitive biases, and skill at controlling them. In the context of peace operations, failure to pay attention to the changing nature of normative expectations can lead to counterproductive consequences.<sup>89</sup>

Third, a U.S. soldier-negotiator can use his understanding and awareness to control conditions that may trigger the activation of his counterpart’s cultural responses, such as setting the atmosphere, controlling the pace, or demanding proof.<sup>90</sup> The interviews suggest several other ways that U.S. military negotiators could do this in the particular setting of SSTR operations.

The unique context of SSTR operations means that generalized theories of culture and negotiation may not apply. Cultural norms can themselves change in response to new social and environmental conditions, such as the occupation of one’s country and disintegration of political and governmental

order and institutions.<sup>91</sup> The changes that resulted from OIF and the ensuing SSTR operation may have precipitated changes in cultural norms because of fractures in traditional attitudes and the normative order surrounding social relationships. Some officers noted that Iraqis adapted to the communication styles of U.S. soldiers, diminishing the importance of certain cultural norms. The very context of the SSTR operation may alter the cultural skeleton of the negotiation, influencing culture rather than culture influencing the negotiation.<sup>92</sup> Context may rule over culture.

A soldier's ability to navigate the cultural dynamics inherent in these negotiations can have an effect on the success or failure of the negotiation. The U.S. military is already aware of this and has embraced the need to better understand the culture with which it interacts in SSTR operations such as those in Iraq and Afghanistan.<sup>93</sup> Equally important, however, culture will have the impact on a negotiation's outcome that the negotiators allow it to have or their level of skill permits.

### **Exercise Power Effectively by Integrating a Focus on Interests into the Negotiating Strategy.**

The author's interviews support and reflect the view of negotiation theory that each party's power in a negotiation is highly context-dependent. Analysis of these military-civilian SSTR negotiations confirms that power in negotiations is "notoriously slippery."<sup>94</sup> On the one hand, the obviousness and overwhelming nature of the U.S. military's occupation as the legitimate superior force in Iraq is a commanding factor in negotiations with civilians.<sup>95</sup> On the other hand, this power is far from absolute, a reality that complicates

the relationships between the U.S. military and Iraqi military and civilian leaders. This is why so many military-civilian interactions in Iraq are negotiations, instead of one-way communications.

There is good reason to explore the particular contours of power in SSTR negotiations. It has the potential to provide a number of lessons for the U.S. military conducting SSTR operations in the future, whether in Iraq, Afghanistan, or elsewhere.<sup>96</sup> U.S. military negotiators will benefit tactically from thinking about how power affects the conduct of their negotiations. Understanding the relative balance of power between the occupying military and corresponding civilian and military leaders, how power is perceived and exercised by the parties, and how the relative power of the parties can change during the course of the negotiation may help soldier-negotiators achieve their objectives.<sup>97</sup>

This section explores these issues but primarily focuses on how military negotiators can be more effective by exercising their negotiating power wisely using two major techniques that integrate a focus on the parties' interests into their overall negotiation strategy. The two techniques are (1) Start with an Interest-Based Approach to the Negotiation, and (2) Combine Power Moves with Interest-Based Problem-Solving.

This section discusses the principles behind these techniques, drawing on leading research from the field of negotiation. It then describes the experience of U.S. military officers when they have used or failed to use these techniques. The description focuses on how power is constituted and actually exercised in military-civilian SSTR negotiations, including how those officers perceived and used their negotiating power. This leads to discussion of how these techniques will help military negotiators in SSTR operations be more effective in the future.

## **Start with an Interest-Based Approach to the Negotiation.**

*Principles of Power in Negotiation Theory.* Negotiating power, reduced to its most elementary form, depends on the alternative available to each party, understood as the strength of one's *best alternative to a negotiated agreement* (BATNA).<sup>98</sup> The power that comes from having alternatives depends, however, on how the parties perceive those alternatives and the other party's assessment of the alternatives. For this reason, the term *estimated alternative to a negotiated agreement* (EATNA) is sometimes used because it reflects the human and cognitive complications of defining one's negotiating power.<sup>99</sup> These structuralist definitions of power are limited, however, in their ability to explain negotiation outcomes.<sup>100</sup> The best way to understand the negotiating power of a party is to define it as "an action by one party which is intended to produce movement by another."<sup>101</sup>

Generally, then, power is associated with the "ability to favorably change the bargaining set."<sup>102</sup> The bargaining set under which a negotiator operates is a probability distribution of different potential outcomes.<sup>103</sup> Of course, the bargaining set can potentially shift in various directions. Whether a negotiator has achieved a favorable change in the bargaining set depends on the negotiator's subjective beliefs about how the negotiated outcome (that is conditional on using a new tactic) compares with his subjective beliefs about the outcome that would result if he did not use the new tactic.<sup>104</sup> This involves a comparison of the subjective distribution of beliefs about the various potential outcomes which are conditional on different tactical decisions.



This is similar to development and comparison of courses of action (COA) and wargaming in the Military Decision Making Process (MDMP). The U.S. Army's negotiation training regime at the U.S. Army NTC focuses on a system of preparation that mirrors the MDMP, implicitly integrating this analytical framework into negotiation preparation. As discussed in more detail below, however, what is too often missing from training and pre-negotiation analyses is an adequate understanding of the impact and role that power will play in negotiations. Without it, the judgments and decisions that military negotiators make when preparing for or while conducting negotiations too often do not lead to optimal outcomes. The correct planning process does not necessarily always lead to the optimal plan.

The concept of power in negotiations is complex because power cannot be identified by just one characteristic, and there is no general model for explaining its role and effect in negotiations.<sup>105</sup> There are many different ways to define and understand negotiation power, and different types can be used in different settings and in different ways.<sup>106</sup>

The most widely understood type of power is *coercive power*. It focuses on the ability to "win," to get what one wants and protect one's interests.<sup>107</sup> This is the ability to convince a party to do something that is not in the party's interests to do, that is, to "bend the opponent to your will."<sup>108</sup> Parties with poor BATNA's who cannot otherwise credibly persuade the other party that their BATNA is higher than it truly is will find themselves weaker relative to their negotiating counterpart.<sup>109</sup> Scholars have identified various forms of coercive power.<sup>110</sup> Coercive power springs from the ability to leave the negotiation table or deprive the opposing party of something it needs.<sup>111</sup>

Each type of coercive power—as well as many other forms of power discussed in the notes—exists in military-civilian SSTR negotiations and can be exercised by the parties. In the experience of the U.S. military interviewees, they are used in negotiations by both parties to their advantage.

The negotiating strength of a U.S. military officer in an SSTR operation is not as simple as his or her BATNA or EATNA. Power is dynamic and situational.<sup>112</sup> It would also be a mistake to think that a U.S. military negotiator's power is limited to his ability to apply force.<sup>113</sup> Traditional indicia of power—political power; wealth; prestige; social influence; governmental or statutory authority; or, most relevant to this monograph, military superiority, control, and ability to apply force—may not necessarily translate into power at the negotiating table.<sup>114</sup> A party's power can come as much from the making of a credible threat as from the actual capability to carry out the threat.<sup>115</sup> Perception plays an important role,<sup>116</sup> as can patience.<sup>117</sup>

A skillful negotiator can increase and exercise his power through communicative processes that enable him to exercise influence.<sup>118</sup> Even with a weak BATNA, the capacity to use what latent or potential power one does have is itself a form of power, because it can affect the way the other party in a negotiation behaves.<sup>119</sup> These latter techniques of asserting power in a negotiation are particularly important in the context of a military-civilian interaction, where coercive power is more likely (but not always) to be imbalanced. A U.S. soldier negotiating in an SSTR operation should be aware of these forms of power—not only because he could exercise them when possible but because his negotiating counterparts are very likely to attempt to exercise such power.<sup>120</sup>

A significant body of negotiation literature recommends integrative, interest-based approaches to negotiation that have the potential to produce mutually beneficial outcomes that meet the interests of both parties.<sup>121</sup> This model focuses on the underlying interests and priorities of the parties instead of the positions they communicate.<sup>122</sup>

Negotiating with a power-focused stance entails higher risks of entering into a negative conflict spiral that may prevent achievement of an outcome desirable to the soldier.<sup>123</sup> The negotiation literature suggests that negotiations dominated by a focus on power or rights result in a contest between the parties over who will dominate.<sup>124</sup> This literature suggests that such negotiations will have a higher frequency of arguments, personal attacks, threats, and demands, and the outcome is more likely to be one-sided.<sup>125</sup> Most importantly, a negotiator who focuses on power in a negotiation is more likely to create new disputes and leave open opportunities (and motives) for revenge.<sup>126</sup> This increases the “costs” of an agreement and may prevent the parties from addressing the original issues of the negotiation. A focus on power has this effect because communications concentrating on power—such as threats and comments about the weakness of the other party—are often reciprocated during a negotiation.<sup>127</sup> A threat prompts a threat. When such communications are reciprocated, the negotiation has a higher chance of becoming a negative conflict spiral, putting a negotiated outcome in jeopardy.<sup>128</sup>

*Army and Marine Experience: How Power in Military-Civilian Negotiations is Constituted and Exercised.* It is hard to generalize about the amount and nature of power held by the U.S. military or its Iraqi civilian counterparts, except in two ways: First,

the U.S. military has and continues to have (though in changing forms) overwhelming coercive power of one kind—the application or threat of direct military force, including lethal force, arrest, detention, raids, and searches—by obvious virtue of the control that comes with its military control of Iraq and its superior military capability. One officer noted that,

It was unavoidable in the negotiations. It was a fact. I walked into the negotiation with a 9mm pistol on my hip . . . It was an unavoidable fact that my presence there was justified only by my ability to maintain it through violence. And that was accepted. I didn't apologize for it but I tried not to push people around for it.<sup>129</sup>

Second, the U.S. military operates under a number of structural, political, and organizational constraints that necessarily restrain its use of military power.<sup>130</sup> These two exceptions may not be of equal weight, however. The experience of the interviewees suggests that the coercive power held by the military—whether exercised or not—is an ever-present fact in negotiations,<sup>131</sup> while the constraints that mitigate that power are more dependent on the situation and context. Nevertheless, beyond (or in spite of) these two factors, the parties in military-civilian SSTR negotiations have varying relative amounts of power in any given negotiation that are constituted by a variety of factors and exercised in many different ways.

Even though the power of the U.S. military is mitigated by various factors in the unique context of an SSTR operation, some military-civilian negotiations continue to take place in an environment characterized by the overwhelming presence of military force and power. It is important to remember that application of force may often remain an option and the threat of force

may sometimes be used. Therefore, when studying the negotiating experience of U.S. soldiers, it made sense to pay particular attention to the role that force plays in their negotiating power, the perception of their power in negotiations with civilians, and the tactical decisions they made in exercising that power.

Analysis of the interviews shows that officers negotiating in Iraq sometimes conducted negotiations in which their power was substantially greater than the power of their Iraqi counterpart. Or that they perceived their power to be significantly greater. In such cases, the U.S. negotiators often exercised their disproportionate power by demanding agreement on their terms.<sup>132</sup> This is consistent with negotiation research suggesting that parties with more coercive power tend to exercise that power.<sup>133</sup> However, the negotiations described in the interviews rarely included the direct use or threat of military force. Only one included any use or threat of force: a sheik's initial detention during a raid and the later threat of his arrest during negotiations.<sup>134</sup> In a larger sample, there are likely to be more such uses or threats of force as a way of exercising power.

The interviews suggest instead that it is much more common for officers to use indicia of force to demonstrate their ability to exercise force as an alternative to negotiation, hoping thereby to increase or bolster their negotiating power.<sup>135</sup> One officer arrived at a negotiation with a deliberately over-sized contingent of soldiers as a show of force to demonstrate his seriousness.<sup>136</sup> Another threatened at the end of a negotiation that if his Iraqi counterparts did not fulfill the commitments made during the negotiation, he would return the next day with a lot of soldiers, and "we will discuss this again."<sup>137</sup> In a negotiation with the director of an electric power station that supplied his

base but had not been providing power consistently, the base commander first asked for and listened to the director's reasons why his workers were cutting off the base's power. He then responded by trying to guarantee their safety from insurgent threats, but he added that if his safety guarantee was not effective in restoring power to the base, he would resort to force and permanently occupy the power station.<sup>138</sup>

While these negotiations did not include the use of actual force, they included explicit or implicit threats of force. In these instances, the officers were trying to take tactical advantage of what they perceived to be asymmetric power in their favor by influencing the perceptions of their counterparts. In many cases, the negotiations led to successful agreements that satisfied the U.S. military negotiator. This supports relatively new research findings that power asymmetry may actually lead to negotiations that are more efficient and effective than ones characterized by near-symmetric power.<sup>139</sup> Sometimes the results were not as clear, however.

When a civil-military operations unit of the Fourth Infantry Division was attacked just north of Baghdad in August 2003 after 2 1/2 months of peaceful operations, the commander called a city council meeting of the local sheiks.<sup>140</sup> "It [relations between the U.S. Army unit and local Iraqi leaders] didn't really become a negotiation after the attacks started. It was more of a finger proverbially in the chest."<sup>141</sup> The sheiks were told that such attacks were unacceptable, and that they were expected to provide information on who had committed the attacks and to cooperate with the U.S. forces in the area to prevent future ones. The captain involved had a difficult time calling it a negotiation, because of security issues it was "very much one way."<sup>142</sup> The conduct of

this negotiation, and the series of related negotiations between local sheiks and officers from the unit, was affected by the U.S. soldiers' perception of their power in that particular context. The interview makes clear that the source of that perception was the obvious fact that the U.S. Army was the legitimate military force in the area.<sup>143</sup> The perception of how this translates into power in the negotiation is worth exploring.<sup>144</sup>

According to this perception, the U.S. negotiator's power was constituted primarily, if not exclusively, by the potential to apply force of some kind, and was much greater than that held by the Iraqis. In fact, because it necessarily assumes that the U.S. military has a monopoly on the legitimate use of force, the sheiks were perceived as being relatively weak.

The parties' perceptions play a critical role in this relationship between military force and negotiating power.<sup>145</sup> The potential for cognitive bias in these perceptions is significant. Cognitive biases are psychological effects that cause errors in memory, information processing, social judgment, and problem-solving. This monograph does not address the substantial body of research on cognitive bias in negotiation or attempt to apply it to the negotiations discussed by the interviewed officers, but it is important to note the likelihood that in at least some cases and possibly this one, a U.S. soldier may overestimate his negotiating power and mistake his ability to apply force (which he may have) for the power to demand concessions in a negotiation (which he may find out he does not have).<sup>146</sup>

In negotiations laced with the kinds of opportunities for cognitive bias that both cultural differences and military power present in especially tempting ways, an awareness of the existence, challenges, and effects of

cognitive bias may be especially important to those U.S. military negotiators or trainers interested in improving their negotiating effectiveness and success.<sup>147</sup>

The use of military force in an SSTR operation can be charted on a continuum showing how the nature of operations changes as an SSTR operation matures.<sup>148</sup> At the beginning of the continuum, the military is primarily concerned with security and stabilization, which will involve basic reconstruction of essential infrastructure and humanitarian aid but will mostly be concerned with securing the country. There are more kinetic operations and a higher chance that lethal force will be used. As the operation progresses, security continues to be a priority, but the mix of activities changes from primarily security-focused objectives to transition and reconstruction activities, which include operations to construct schools and hospitals; train new security forces; and establish, supervise, and coordinate with local civil government. In this context, direct military force is not used or threatened as much, even though any potential force that the military could apply continues to be an obvious fact.<sup>149</sup>

SSTR operations are challenging because stabilization, security, transition, and reconstruction may take place concurrently. In the context of what otherwise would be reconstruction, for instance, a legitimate need to use force may arise for security-based reasons. In some locations, the military may still be performing a more traditional security operation, and in others, it may be executing primarily a reconstruction and transition mission. Nevertheless, for the purposes of studying negotiations that take place in SSTR operations, any particular negotiation can be placed on the continuum according to its immediate context and the particular mix of security, reconstruction, and transition activities taking place.



The interviews show that the issue of force is a factor in the balance of power between the parties to a negotiation to a greater or lesser extent depending on how close to kinetic operations that negotiation falls on the SSTR continuum. The closer a negotiation is on the continuum to combat operations, the greater the chance that the soldier will perceive himself to have more power in the negotiation and the more likely it is that his Iraqi counterpart will believe the same thing.<sup>150</sup> The threat will be more credible. But these perceptions are likely to be different the farther away the negotiation is from kinetic operations and the more closely involved it is to transition and reconstruction operations, so that the threat of direct military force will have less influence in constituting the U.S. military negotiator's power in a negotiation with an Iraqi leader.<sup>151</sup> In this case, the negotiating power of the U.S. soldier is more likely to be constituted by factors other than his ability to apply lethal force.<sup>152</sup> In particular, the most significant role in constraining the soldier's exercise of his otherwise asymmetric military power is most likely played by the increasing importance of relationships as operations change from lethal combat to reconstruction.<sup>153</sup>

Still, the interviews suggest that U.S. soldiers negotiating with Iraqi civilian leaders tend to think of their negotiating power as constituted primarily by their military power, even in situations when their power in a negotiation may not match their ability to apply military power. In other words, soldiers often think too narrowly of their power in a negotiation as being mostly made up of the "power" with which they are most familiar: the power they can exert militarily. Yet a structural analysis of the issues and context of the negotiations discussed by the officers leads to the

conclusion that even if the negotiation takes place only because the U.S. military has the capability to assert its power through force,<sup>154</sup> the negotiating power that the military holds is constituted by a complex interaction of factors.<sup>155</sup> The U.S. military negotiator is not guaranteed to achieve his intended outcome.<sup>156</sup>

This negotiation principle manifests itself frequently in Iraq. Interviewees described numerous negotiations in which their Iraqi counterpart would concede to their demand or request because the officer was exerting pressure via his military power. The Iraqi would not actually execute the agreement, however. Many of the officers saw this as a lack of integrity or a reason to mistrust, when in reality there may just have been a failure of true agreement. The U.S. negotiator failed to accomplish the mission because he did not focus on the Iraqi's underlying interests and find with that civilian leader an agreement that truly met his interests, one on which he would want to follow through. The apparent disconnect between most officers' understanding of their negotiating power and the power they may actually have had suggests the need for additional training.

*Discussion.* When choosing a strategy for how to approach a negotiation in an SSTR operation, U.S. military negotiators should try an integrative, interest-based approach that seeks to secure agreement by satisfying the interests of both the soldier and his counterpart. It will not always be an appropriate strategy for the U.S. military negotiator.<sup>157</sup> Nor does it mean that U.S. soldiers should not prepare for and think about the power dynamics of a negotiation; rather, just the opposite. When preparing, they should consider the parties' negotiating power in all its forms and decide beforehand how they will exercise their

power.<sup>158</sup> Given the role that power and force play in military-civilian SSTR negotiations, it is unrealistic to think that such negotiations can be conducted using an exclusively interest-based approach. At the same time, integrative negotiation strategy has a lot to offer U.S. soldiers conducting negotiations.

When a negotiated outcome is not necessary for the U.S. military, the increased chance of failing to reach a negotiated outcome that accompanies a focus on power may be acceptable.<sup>159</sup> Likewise, a one-sided result may achieve the U.S. soldier's immediate negotiation objective. However, when the U.S. military needs a negotiated outcome because it will not resort to force, cannot accomplish the objective without Iraqi cooperation, or because it places tactical value on its relationship or good will with the Iraqi leader, a decision to focus in the negotiation on the parties' power is likely to be a short-sighted choice.

A military-civilian negotiation in Iraq that creates new disputes, grudges, and motives for revenge—because one side communicated in terms of power, to the neglect of the other side's interests, causing a negative conflict spiral—may cost more in the medium or long term than the short term success was worth.<sup>160</sup> U.S. commanders seem to recognize this, but the interviews conducted for this monograph and observations of training at the NTC suggest that such recognition may not necessarily mean that they use negotiating tactics and techniques that are most likely to apply that knowledge effectively.

An analysis of the interviews supports the above findings from the negotiation literature. One officer noted that “[m]y approach became much more stern and direct as time passed. I came off as naive and powerless in initial engagements, but was definitely a

person with which to deal at the end of the year . . . ” But were the changes successful? “Sometimes, yes; sometimes, no . . . But most of the time, [my approach led] to delays and shameful grudges.”<sup>161</sup>

It is possible that “delays and shameful grudges” may be a necessary and acceptable collateral effect of a successful negotiation.<sup>162</sup> A tactical approach to an engagement that causes such effects is risky, however, and it is likely to operate against the U.S. military’s interest in cultivating or maintaining cooperative, positive, or at least neutral, relationships with Iraqi civilians in an SSTR operation that requires the support and good will of the civilian population to secure the country against insurgents, terrorists, and sectarian fighters.<sup>163</sup> This is why the U.S. military’s relationships with civilians in an SSTR operation have an important influence on a soldier-negotiator’s power and the conduct of military-civilian negotiations in general. U.S. Army and Marine negotiators should consider deemphasizing their military power and focus instead on ways to satisfy both parties’ genuine interests.<sup>164</sup>

When choosing an overall negotiating strategy, the U.S. military negotiator runs little risk by opening with a focus on interests, because it does not mean he has to make any substantive or tactical concessions or admissions.<sup>165</sup> The circumstances of a negotiation are often such that a focus on interests, in addition to or instead of an exclusive focus on power, would be a more potent negotiating strategy with several benefits.<sup>166</sup> This recommendation assumes that the U.S. military negotiator will continue to stay attuned to the cultural dimension of the negotiation, as well as the multifaceted context of the environment.<sup>167</sup>

Relationships among the parties play an important role in the interest-based model, making it

a particularly powerful framework for negotiations between U.S. soldiers and civilians in SSTR operations. This is especially true in Iraq, where the value placed on relationships is high—both by the culture of the civilians and the mission objectives of the military. Relationships are an important element of successful negotiation across cultures.<sup>168</sup> They can be assets. But they become even more influential in a negotiation when a long-term working relationship is an objective of the military commander. A focus on interests is so important in this context because finishing a negotiation by satisfying the Iraqi leader's *interests* instead of his negotiating *demands* (which may be no more than bargaining tactics) is more likely to contribute positively to the long-term relationship.

A simple but effective technique to accomplish this is to listen for the party's underlying interests behind its positional demands. By listening to his civilian counterpart and asking questions, a U.S. military negotiator can better understand the civilian leader's true interests and can leverage that understanding to structure an agreement that achieves his unit's objective. Such a result can also be helpful in cultivating a productive relationship with the civilian leader.<sup>169</sup> One of the officers interviewed noted the importance of listening, and another acknowledged that if he had asked more questions to better understand his counterpart's motivations, subsequent negotiations may have been easier.<sup>170</sup>

### **Combine Power Moves with Interest-Based Problem Solving.**

Negotiations in SSTR operations can accommodate the exploration and discussion of parties' interests, even

in the shadow of military force and power. Introducing a focus on interests into a negotiation can increase a soldier's effectiveness and improve his outcome. This requires the soldier to view his negotiating power as constituted by more than just his military power. To be most effective, he must be willing and able to deliberately combine the exercise of power and military muscle with a genuine attempt to meet his civilian counterpart's interests.

***Principles of Interests, Rights, and Power in SSTR Negotiations.*** Negotiations conducted in the context of an SSTR operation are consistent with the theory that interests, rights, and power exist concurrently in negotiations, and that the parties may choose to focus on one of them, or cycle among the three, during the course of the negotiation.<sup>171</sup> In this framework, interests are discussed and reconciled in the context of the parties' rights and power, while rights are determined and settled in the context of the power each party holds.<sup>172</sup> The parties can make a tactical choice to focus on one of these elements, but research suggests that parties move frequently among interests, rights, and power foci in the same negotiation.<sup>173</sup>

Several officers interviewed used this approach with apparent success. It supports the view of one senior officer that civilians in SSTR negotiations know the U.S. military has the power to make them do something, but the talent and art of it is making them want to do it without using force. With force, there are repercussions.<sup>174</sup>

***Army and Marine Experience: Successfully Combining Interests and Power.*** The discussion above concentrated on negotiations in which the U.S soldier focuses primarily on his power (or perceived power), using negotiating power constituted mostly by his

military power to coerce his Iraqi counterpart into agreement on the American's terms. However, many of the negotiations discussed by the officers exhibited a cycling between interests and power, if not also of rights. This reflects a more subtle balance and use of power. Experience confirms that it is also more effective in achieving desired negotiation outcomes.

For instance, several negotiations documented in the interviews concerned the U.S. military's need for information from local sheiks, on the one hand, and the sheik's requests for fewer raids and searches of homes, on the other hand. In one example, a civil-military operations officer participated in a negotiation with a neighborhood advisory council (NAC) in Baghdad.<sup>175</sup> The sheiks' demand appears to have been rooted in their interests and in a claim of right to be free from frequent raids. The U.S. military negotiators addressed the sheiks' concerns in a way that could be characterized as a claim of the right to search houses whenever it had information that insurgents or weapons were present. This *right* was, of course, bound up inextricably with the U.S. Army's *power* to raid houses. The U.S. officer's statement that the raids would continue as long as his unit believed they were necessary relies on the military's coercive power to search. Interestingly, the negotiation cycled back to interests as the U.S. negotiators offered a solution seemingly based on the two parties' *interests*. The U.S. Army's primary interest was in getting specific and correct information on insurgents, which would lead to fewer and more targeted raids in the sheiks' neighborhoods, thereby meeting the sheik's interests in less disruption of their constituencies. Consistent with the interest, rights, and power framework of negotiations, this interest-based solution was offered in the explicit and looming shadow of military power.

While NAC's often rejected such solutions publicly, members often gave information to American forces soon thereafter.<sup>176</sup>

Similarly a Marine junior officer negotiated by focusing both on power and interests. He spent 10 days welcoming and meeting residents as they returned to Fallujah after U.S. and Iraqi forces had cleared the city of insurgents and in the process effectively destroying or damaging most of the city's buildings and houses.<sup>177</sup> Residents scared of and angry at both U.S. forces and insurgents were reluctant to give information to U.S. soldiers about insurgent activity and membership. In a still-tense security environment heavily characterized by military power, the officer reminded the residents that the only way to free themselves from both insurgent violence and intimidation as well as intensive U.S. occupation was to give U.S. soldiers information to help them defeat insurgents and keep them out of Fallujah.<sup>178</sup> This type of interaction fits into the expanding field of information operations, but it is also an example of an extended negotiation with the local population.

This negotiating tactic emphasized the interests of the Iraqi residents in an attempt to persuade them that their interests would be best served by giving him information. As in the negotiation above, he did this while subtly presenting the specter of continuing and overwhelming U.S. military power embedded throughout their city. The Marine's negotiating power was at once limited and enhanced by the residents' interests in ridding themselves of both insurgents and Americans. On the one hand, his military power did not mean the ability to get what he really needed by simply asking: information. It may have weakened his bargaining position because of Iraqi resentment.



Many residents did not provide any information.<sup>179</sup> On the other hand, by cycling through *both* interests and power, this Marine was successful at encouraging many residents to provide information because they agreed that it aligned with their interests, even if they were not happy to cooperate.<sup>180</sup> By doing this, he exercised power that was constituted not by his ability to coerce but by his willingness to engage the interests underneath Iraqi frustration with the American presence, by his personal ability to persuade, and by his skill at quickly building rapport.

All of the negotiations described in the interviews reflect the complexity of SSTR operations and reinforce the premise that the relative negotiating power of the parties depends on numerous dynamic interdependent factors. The negotiating power of U.S. soldiers is far from absolute.

*Discussion.* As the experiences above demonstrate, negotiations in Iraq were successful when they combined the parties' power with attention to the parties' interests. A combined strategy that deliberately cycles between a focus on power and a focus on interests may be the best way to avoid negative conflict spirals, unintended consequences, and counterproductive negotiation outcomes.<sup>181</sup> It may also be the most realistic approach in the context of SSTR negotiations.

The approach recognizes that: (a) reciprocal reactions may be instinctive and therefore difficult to avoid; (b) that ineffective techniques and efforts are commonly repeated, especially under stressful conditions, despite a negotiator's intellectual knowledge that such efforts continue to fail;<sup>182</sup> (c) that many U.S. military negotiators may be particularly averse to avoiding altogether the reciprocation of threats out of fear that it demonstrates weakness; and (d) that SSTR negotiations take place in

militarized, power-saturated environments in which “power” is likely, if not inevitably, to play a significant role in negotiations. The approach is flexible enough to be applied in any negotiation, regardless of the issues or people involved. It avoids simplistic approaches that advocate either a “win-win” or “win-lose” approach to negotiation.<sup>183</sup>

Executing a negotiation strategy that includes a focus on interests will not be successful unless the military negotiator also employs techniques to avoid being drawn into a downward spiral over who has more power.<sup>184</sup> Competitive or adversarial tactics, particularly actual or threatened use of force, usually lead to reciprocation with like-kind tactics, conflict spirals, and escalation.<sup>185</sup> Many negotiators make the mistake of reciprocating as a reaction to rights- and power-based threats because they fear appearing weak.

Yet reciprocation is likely to be highly unproductive for the U.S. military negotiator and lead to damaged relationships, grudges, obstruction of the agreement’s execution, or no agreement at all.<sup>186</sup> This does not mean that a U.S. military negotiator has to concede anything, make unilateral concessions, or show any weakness. By avoiding the trap of a negative conflict spiral, the U.S. military negotiator demonstrates strength.<sup>187</sup> Iraqi civilian leaders who know that U.S. military negotiators are likely to reciprocate threats and power-based communication may use threats or extreme demands as a tactic to derail or hijack the negotiation, obstruct an agreement, or test the U.S. negotiator. The solution is not to respond *more* forcefully, as was suggested to an officer by one trainer at the NTC, but to avoid reciprocating, to maintain one’s negotiation strategy, and to redirect the discussion back to potential solutions to the dispute or options for an agreement.

This recommendation means that U.S. soldiers should, when faced with a counterpart who makes a rights- or power-based threat or demand, reciprocate the power threat in as noncontentious a way as possible and simultaneously add a statement, question, or hint that opens the negotiation to a discussion of interests.<sup>188</sup> Combining power and interests in the same statement pairs a credible threat with a specific way for the other party to pursue the positive consequence of agreement rather than only avoid the negative result of the threat's outcome.<sup>189</sup> This provides the soldier's counterpart a way to save face, defuse, or "turn off" the power threat, and come to an agreement with which he can be generally satisfied. The soldier will often want the threat to be defused rather than have to carry it out, because carrying out the threat means losing the leverage the threat provided. This decreases the U.S. military negotiator's power; it does not strengthen it.<sup>190</sup>

This approach could be understood as a combination of coercive and reward power, but to be most effective, the "reward" offered must be based on the counterpart's true interests.<sup>191</sup> Adversarial tactics rarely help expand the possibilities of positive outcomes, although they may be sufficient if the proverbial pie truly is fixed. Cooperative moves, on the other hand, offer the possibility of increasing the positive outcomes desirable to the U.S. military negotiator. By combining a focus on power with a focus on interests, a U.S. soldier is likely to manage more effectively the tension between the adversarial impulse to make demands (and have Iraqi counterparts meet those demands) and the collaborative impulse to find creative, broader-based solutions.<sup>192</sup>

A conscious effort to negotiate in this way will provide the U.S. military negotiator in an SSTR opera-

tion with a better chance at achieving not only his short-term objectives but securing opportunities and gains that come with stronger working relationships and more genuinely satisfied negotiating counterparts.

### **The Role of Relationships in Military-Civilian SSTR Negotiations.**

#### *Principles of Relationships in SSTR Negotiations.*

There are two important principles that should help to govern a military negotiator's planning when negotiating with civilian or military leaders in SSTR operations. First, the value placed by the relevant military decisionmaker on the relationship(s) at stake in a negotiation has an effect on the way that the U.S. military negotiator approaches and conducts the negotiation.<sup>193</sup> It has the potential to weaken the negotiating power of the U.S. soldier because the value placed on a positive relationship may limit his tactical negotiating options as well as his alternatives to a negotiated agreement. To the extent his negotiating power is constituted by his military power or ability to use force, it will be constrained considerably by placing priority on maintaining a positive working relationship. A U.S. commander may be less likely to threaten a mayor when a relationship with the mayor is important for the commander's operations in the area. On the other hand, the importance of a positive relationship to the negotiation may increase the U.S. soldier's negotiating power by enabling him to exercise influence through the relationship that he otherwise could not have exercised.<sup>194</sup>

Second, a soldier's relationship with a civilian leader should be deliberate and managed. This is particularly true with hostile or adversarial parties. U.S. officers

negotiating with Iraqi civilians should take care not to place too high a priority on the relationship at the expense of the mission. They should be strategic when considering how to treat the relationship during the negotiation.

*Army and Marine Experience: Managing Relationships.* A little more than half of the officers interviewed said that relationships played an important role in their negotiations. This is little more than a recognition that the military-civilian negotiations they were conducting were embedded in the social, political, and institutional relationships created by the nature of the SSTR operation.<sup>195</sup> In some cases, a relationship of some sort is a prerequisite to engaging in even the most noncontentious negotiation.<sup>196</sup> In other cases, the cultivation and maintenance of good working relationships was important to productive reconstruction efforts, governance, and efficient operations.<sup>197</sup>

In still more cases, the relationship itself was a negotiation objective, sometimes taking priority over other potential outcomes.<sup>198</sup> This, despite the fact that some negotiations took place between U.S. military personnel and Iraqis who negotiated only because the Americans had “the firepower.”<sup>199</sup> During his time in Iraq, a U.S. Marine officer became more confident and effective in his negotiations with a local sheik because he negotiated with him repeatedly.<sup>200</sup> When a relationship between a U.S. soldier and an Iraqi is long term, which many are, the value placed on that relationship has an important effect on the negotiation.<sup>201</sup>

With thousands of negotiations conducted by thousands of U.S. soldiers across Iraq, it is not entirely surprising that some officers conclude that the relationship was “paramount” in almost every

single negotiation,<sup>202</sup> while others did not think that relationships were always important.<sup>203</sup> U.S. engagement in Iraq evolved from an invasion and quick transition operation to a longer-term SSTR operation in which long-term relationships do matter to the American military's ability to successfully accomplish its various missions in Iraq. As one of the officers put it, "[I]nterpersonal relationships will continue to be an important part of warfare."<sup>204</sup> One officer believes that the extensive network of relationships with Iraqis that he developed during his year serving as a civil-military operations officer in the Yarmouk neighborhood of Baghdad became a source of power that he was able to turn into successful, productive reconstruction efforts.<sup>205</sup>

When negotiating with hostile or adversarial parties, one officer suggested that it was as important to establish the boundaries of the relationship as to build a cooperative or friendly one.<sup>206</sup> This may be a tactic necessary to efficiently frame the negotiation and adjust the hostile party's misperceptions of their relative position in the negotiation.<sup>207</sup> It could be understood as a tactic on the part of the U.S. military negotiator to assert his strength and establish a favorable power framework for the negotiation. Or it could be a symptom of what has been termed "intergroup paranoia" based on beliefs – whether true, false, or exaggerated – that may, in the worst case, cause irrational distrust and, in the best case, hinder the cultivation and sustenance of the trust that even a distrustful negotiator recognizes would be beneficial.<sup>208</sup> Heightened suspicion causes negotiators to approach their counterparts with a presumptive distrust.<sup>209</sup> Several officers discussed this challenge to the cultivation and maintenance of trust in their negotiations with Iraqi civilians, and it is worth

noting that the negotiation literature supports the observations made by the officers.<sup>210</sup>

A Marine commander negotiated frequently with the same local sheik of a town nearby his base. He needed heavy equipment from the town to improve the base's security perimeter.<sup>211</sup> The Marine had the power to demand the equipment and the military capability to seize it. However, the commander's interests and the relationship at stake interacted in a more complex way with the respective negotiating power of both commander and sheik. It led the Marine to negotiate differently. The commander never demanded the equipment. Even though the base's security was at stake, the commander did not resort to force or assert the military power to take the equipment. Instead he allowed the sheik to exercise considerable power in withholding the equipment for several weeks, even though he "desperately" needed it.<sup>212</sup>

What appears to have mitigated the commander's exercise of his military power was the priority he placed on cultivating and maintaining a cooperative, positive relationship *not* based on the applied force of military occupation. He perceived this relationship to be important for two reasons: First, the commander feared that the sheik was or could be networked into the insurgency and could increase the danger to U.S. and Iraqi forces operating near and in his town.<sup>213</sup> Many of the officers cited this or a similar consideration.<sup>214</sup> Second, the relationship may itself have been important to obtaining the equipment, and a stronger relationship with the sheik may have actually translated into more negotiating power if used effectively.<sup>215</sup> For the commander, this was a frustrating negotiation with limited success, but throughout the negotiation he continued to maintain the kind of relationship with the

sheik that he believed was a tactical priority because of long-term security concerns.

*Discussion.* The interviews indicate that U.S. officers are acutely aware of the importance of their relationships with local civilian leaders and are highly cautious about damaging those long-term relationships or violating cultural norms, even at the potential expense of short-term objectives, the accomplishment of which may require tactics that are inconsistent with the maintenance of a positive relationship.<sup>216</sup> In order to maintain a relationship, for instance, a commander may have to let a sheik “win” in front of his people, while achieving the commander’s immediate objective would require the breach of a cultural norm certain to alienate the sheik. This conclusion comes with numerous caveats.<sup>217</sup> It often depends on what objectives are at stake and the urgency they are seen to have by U.S. commanders. The U.S. Army’s NTC understands this tension and knows that officers value their relationships with Iraqis sometimes to the point of subordinating immediate objectives. Its negotiation training makes the point that cultural niceties are important, but officers should stay focused on their intended outcome.<sup>218</sup> Following training on cultural awareness, the NTC emphasizes that commanders should be prepared to set aside the demands of cultural norms when necessary to accomplish a task.<sup>219</sup>





**PART III**

**RECOMMENDATIONS FOR MILITARY  
NEGOTIATION TRAINING**



## **Proposed Training Program.**

Part III offers a proposed training program for the U.S. military designed with the demands of SSTR operations in mind. It recommends that the negotiation training curriculum offered by the U.S. military to its deploying soldiers include training in the principles, techniques, and approaches discussed in Part II. These techniques are not meant to replace the current emphasis on preparation or the system of preparation developed by the military's combat training centers. Such focus on preparation, situational awareness, and rehearsal is appropriate and essential to negotiating effectively in the complex SSTR environment.<sup>220</sup> The current training seems to assume, however, that thorough preparation on the substance of the issues involved in the negotiation will translate into effective execution. The negotiation experience of military officers in Iraq, in addition to a substantial body of negotiation research, suggests otherwise. Current training does not teach U.S. military negotiators *how* to strategize for the negotiation or *how* to negotiate. Yet successful negotiation is a skill that can be developed through effective training.<sup>221</sup> These recommendations would enhance the current training regime by providing soldiers and commanders with additional tools, techniques, and simulated experience to utilize that preparation more effectively.

Research into negotiators as learners suggests that a superior way for negotiators to learn from their experiences is to practice comparing the structures of different cases or situations instead of analyzing just one case at a time.<sup>222</sup> This learning approach is particularly appropriate for the situational training exercises conducted during predeployment training at CTCs such as the NTC, but it requires time to conduct more

than one structured, evaluated negotiation simulation so that the commanders, staff officers, and junior leaders can learn from multiple cases and situations. The NTC currently conducts only one negotiation as part of its negotiation training module.

The proposed training program lasts a minimum of 3 days. It includes reading assignments, some lectures, and individual as well as supervised preparation. Brief reading assignments should be read before each day of the training that provide the foundation for the day's lecture(s) and exercises. The program primarily consists, however, of simulated negotiation exercises that are designed to teach the fundamental techniques and skills of effective negotiation. Critical to any negotiation training program is the opportunity to evaluate and review each negotiation and receive critique from trainers experienced in negotiation themselves. This provides the students and trainers opportunities to identify what worked, what did not work, and why certain outcomes were reached, as well as to compare results with other negotiators and with prior negotiation simulations. This training program utilizes the same teaching principles utilized by most military training programs: provide a foundation in the basic principles, conduct simulated exercises, and follow it with an after action review.

A proposed agenda for the training program is described below.<sup>223</sup> The particular negotiation cases used in the simulated exercises can be drawn from a number of academic sources that have developed and tested cases exclusively for training and education purposes. It is important to use such cases, because, much like military battle drills, each one deliberately focuses on specific and fundamental techniques, procedures, and skills. Over the course of 3 days,

the case-based exercises build a negotiator's skill set and provide experience in negotiating under various circumstances presenting different challenges.

*Day 1: Preparation, Strategy, and Context.* The first day should include (1) interactive introductory lecture on the fundamentals of negotiation practice and theory and the components, structure, and potential outcomes of negotiations; (2) interactive lecture on, and supervision of, small group preparation for negotiations, including an emphasis on the many contextual factors a negotiator should consider; and (3) two negotiation simulations with review and evaluation. Officers in training negotiate with each other in the roles provided by the cases. The cases negotiated on this day are ones that focus on preparation and understanding the negotiation's context, including negotiation-specific factors such as the parties' interests, options for both parties, obstacles to negotiated agreement, the negotiator's desired endstate and priorities, the relationships involved, the parties' alternatives, and other issues. Also important will be the political and economic environment, religious and tribal considerations, the negotiator's commander's intent, rules of engagement, and other mission requirements.

*Day 2: Understanding and Managing Cultural Differences.* Prior to the second day, officers in the course should conduct preparation for the morning's negotiation exercise. This day begins with small group preparation for the exercise to provide students the opportunity to see what they missed in preparing alone the night before. Trainees then negotiate the case and evaluate their negotiation in pairs and in a small group.

The day includes a lecture on understanding, managing, and adapting to cultural differences in negotiation. The afternoon negotiation simulation should provide practice in the techniques and awareness suggested above to manage the impact of cultural differences in negotiation.

This day should also include a short lecture on cognitive bias. Given the complex cross-cultural environment defined by the presence of military force and power, U.S. military negotiators would benefit from exposure to and training in the role of cognitive and social bias in negotiation. Military-civilian SSTR interactions are ripe environments for such cognitive biases as selective attention, belief perseverance, representativeness and availability heuristics, the base-rate fallacy, attributional bias, self-serving bias, and negotiator overconfidence, among others.<sup>224</sup> Some degree of understanding of these psychological processes should assist military negotiators in avoiding the worst pitfalls of such cognitive errors if they are made aware of what these biases are, how they are generated, and what effect they have on decisionmaking and negotiation. For instance, the SSTR environment increases the risks that both soldiers and civilians will misattribute ill-will, deceit, or bad motives.<sup>225</sup> Cultivating a critical self-awareness toward cultural stereotypes, capacity for nationally- and organizationally-derived biases, and one's own ethnocentrism is critically important in the complex SSTR environment in which U.S. officers are operating.<sup>226</sup>

***Day 3: Exercising Power Effectively.*** The third day starts with a lecture on the principles, techniques, and approaches discussed earlier. The negotiation should start with a focus on the parties' interests

and combining power moves with interest-based problem-solving. It includes discussion of the practical benefits of focusing in negotiations on interests and cooperative tactics, instead of exclusively on power and competitive tactics. The lecture should encourage soldiers and commanders to include an analysis (in their preparation) of the tactical benefits of approaching the negotiation with a focus on interests, so that soldiers will consciously make strategic, informed decisions about how any given negotiation is conducted.<sup>227</sup>

This lecture should include emphasis on proven negotiation techniques such as listening, asking questions, redirecting discussions away from power-based or adversarial communications, and avoiding reciprocation of threats. It should be followed by preparation for and negotiation of a case, with evaluation and review afterwards. Another negotiation exercise should be conducted in the afternoon to reinforce the day's principles and techniques by presenting new, challenging elements to the negotiation.





**PART IV**  
**CONCLUSION**



The dramatic change over the last 3 years in the U.S. Army's training regime for units preparing to deploy to Iraq highlights two developing realities. First, civil-military relations and negotiations have come to play a more substantial role in the daily operations of U.S. military units in Iraq and Afghanistan. Second, the U.S. military has started to adapt to the mission it has been charged with executing as that mission has changed from early 2003 until now. That mission now requires a set of skills and outcomes that are very different from the traditional warfighting for which soldiers are trained. It has meant that many soldiers and officers spend a significant amount of their time interacting with civilian crowds and individuals, especially civilian leaders such as mayors, sheiks, imams, mullahs, city council members, school superintendents, police chiefs, and other government officials.

Most of the officers interviewed felt they were not prepared to negotiate in Iraq, but those who deployed to Iraq most recently have benefited from the military's learning and adaptation to the new SSTR environment it faces there.<sup>228</sup> Those officers involved in the initial invasion of Iraq who were afterwards tasked with stabilizing the country and beginning reconstruction were not trained to operate in an SSTR context or to negotiate with Iraqis.<sup>229</sup> The Army has learned from the experience of these units and those deployed since then. Through its Center for Army Lessons Learned and various schools and combat training centers, it continues to learn from soldiers' experience in Iraq as they participate in such a highly complicated SSTR operation.

This has not meant, however, that the military's training has always reflected the missions that soldiers and their leaders are asked to accomplish.<sup>230</sup>

The lessons of past Peace Operations and Stability and Support Operations did not inform the training for most soldiers deployed to Iraq, although it was available. The Army had studied SSTR-like operations extensively prior to OIF had and recognized many of the same lessons from those operations as it has recently observed – and in some cases had to relearn – in Iraq.<sup>231</sup> Similarly, U.S. Army doctrine exists that has been based on the best practices and theory of negotiation research and literature.<sup>232</sup> The Army's graduate schools have experts in the field and offer educational courses in negotiation.<sup>233</sup> The Army's field manual for stability and support operations acknowledges that negotiation training is essential for officers serving in SSTR operations and that predeployment training is the "preferred approach." It suggests that officers take a 3- to 5-day course introducing basic concepts and applying them in a series of exercises.<sup>234</sup>

Yet the NTC's predeployment training is 2 to 3 hours long, and none of the officers interviewed had been provided any other negotiation training, except for a civil affairs officer whose civil affairs course included 4 days of negotiation education. The interviews conducted for this research and observations made at the NTC suggest that the link between written military guidelines for negotiation and available expertise in negotiation education, on the one hand, and mission-specific training, on the other, is rather weak. That link should be strengthened, so that those who train deploying soldiers to negotiate have themselves received an education in negotiation and are applying the best of existing doctrine and negotiation literature to their training curriculum.

This monograph has provided an analysis of negotiations in SSTR operations between U.S. military

officers and local civilian and military leaders. Based on the experiences of officers recently redeployed to the United States, three elements of negotiation exercise focus on military-civilian negotiations in SSTR operations. Context, cultural difference, and the interplay between “power” and “interests” influence substantially and in unique ways the conduct of such negotiations and suggest several lessons for practice. In their own ways, culture and power are each dependent on numerous factors that can alter their relative influence on the negotiators’ conduct.

The officers’ interviews demonstrate the thoughtfulness with which many officers approached their negotiations with civilians. Most were not trained or prepared for them, but during their time in Iraq, they adapted and learned. Many already knew or learned effective lessons in Iraq; some seemed to learn the wrong lessons, diminishing their negotiating effectiveness. The lessons learned very often reflected the conclusions of the negotiation literature, suggesting that, despite the unique context of SSTR, negotiation theory can be successfully applied in training to prepare soldiers before they deploy, instead of hoping they learn the right lessons once they arrive. For this reason, this monograph offers several recommendations that may be particularly relevant and helpful for effective negotiation in this challenging and complex environment.

The recommendations complement the military’s existing doctrine and training. They apply the negotiation literature and analysis of the negotiations described in the officers’ interviews to the unique and complex environment of SSTR operations in which U.S. officers are negotiating to achieve mission objectives. Most importantly, the recommendations advise the

U.S. military to expand its negotiation training in time, content, and in the officers and NCOs who receive such training.

These recommendations would be helpful if integrated into the military's predeployment training for SSTR operations. The U.S. Army NTC's new negotiation training is an important development. The new training reflects a recognition at the military's premier combat training facility of the role that civil-military relations, including negotiation, play in the complex mission of stabilizing, securing, transitioning, and reconstructing a country mired in conflict. The current training is essential but not sufficient for successful negotiation in SSTR operations. As a result, the monograph offers training recommendations that are consistent with, and would enhance and complement, the current offering at the NTC, U.S. military training centers, and units' own predeployment training.

In Iraq and Afghanistan, U.S. officers and NCOs have negotiated many thousands of times with local leaders while pursuing tactical and operational objectives that affect the strategic import of the U.S. missions in those countries. The aggregate success or failure of these negotiations have an impact—sometimes immediate, more often over time—on the success or failure of the entire mission. For this reason, the practice of negotiating with civilians should be given more attention by the U.S. Army and Marine Corps. Transformation of the U.S. military requires adaptation to the types of operations it may continue to be called upon to perform. Negotiation is more likely than ever to play a significant part in military operations overseas. As it does, negotiation training, education, and research will become more important for the U.S. Army and Marines. Improvement in military-civilian

negotiating will promote more tactical and operational, if not also strategic, success in the increasingly complex missions of the 21st century.





## APPENDIX

### THE U.S. ARMY NATIONAL TRAINING CENTER (NTC) AND NTC NEGOTIATION TRAINING

#### **NTC Predeployment Training.**

The National Training Center (NTC) has an 800-member Operations Group responsible for conducting training classes; planning and designing simulation exercises; and—during the exercises—observing, coaching, mentoring, and evaluating. After each engagement with insurgents or civilians, these trainers provide informal coaching and feedback in After Action Reviews (AAR). At the end of the exercises, they provide formal AARs to the unit and its leaders. Trainers visit Iraq and Afghanistan on missions to gather best practices, understand emerging challenges, and gather more information about problems faced by troops in theater. Combat veterans who served tours in Iraq or Afghanistan comprise 85 percent of the NTC's trainers. They integrate new lessons and information, as well as their personal experience, into the training. They also integrate lessons learned from the U.S. Army's Center for Lessons Learned.

Army units that train at the NTC spend 3 weeks at the base, the first of which includes a 3-hour negotiation and cultural training for commanders and their staff officers.<sup>235</sup> The live simulation exercises occupy the entire second and third weeks of training. The unit deploys into the desert of the NTC charged with accomplishing a mission and operating as if it were in Iraq. Situated in the middle of the Mojave desert,

the NTC has 12 mock Iraqi villages, an Islamic shrine, cave complexes, and 1,600 role players representing Iraqi civilians and insurgents. Of the role players, 250 are Iraqi nationals, most of whom speak fluent Arabic. These Iraqis play the most important 127 of 2,200 distinct roles available, each of which has a personal background and history, job, residence, as well as familial and social relationships and associations with other role players. The 127 key roles represent the mayors, sheiks, town council members, imams, and police chiefs.

Negotiations take place throughout the 2-week live exercise. Junior officers or squad leaders frequently interact with mayors or sheiks. Battalion commanders or the brigade commander often meet with the mayors and sheiks individually or as a group. Negotiation is, as one leader at the NTC said, a bridge between kinetic and nonkinetic operations: failed negotiations may turn nonkinetic operations into kinetic ones.<sup>236</sup> This was demonstrated starkly in one negotiation I observed during a recent NTC training rotation.<sup>237</sup>

### **NTC Negotiation Training.**

This section describes the NTC's negotiation training and the process and system it teaches U.S. military commanders, their staff officers, and subordinates to use when negotiating with civilian leaders in Iraq.<sup>238</sup> The training begins with an approximately half-hour session on cultural awareness designed to complement the negotiation training and delivered by instructors from the Defense Language Institute (DLI). It includes an overview of the cultural norms, differences, and factors that soldiers should take into account when negotiating in Iraq. This is followed by an approximately

half-hour presentation on negotiating and an hour or two conducting a simulation. In total, officers spend a maximum of 3 to 4 hours in negotiation training.

*Preparation.* Preparation is the cornerstone of NTC negotiation training. The system of preparation it teaches for negotiations is an adapted version of the military decisionmaking process (MDMP), which requires commanders to take all relevant factors into account, wargame potential alternative outcomes, and make decisions and judgment calls based on that analysis. It tracks the standard mission preparation and analysis used by the U.S. Army to prepare for any tactical engagement. This, by design, should account for conflicting priorities and tension between immediate objectives and long-term ones. Done properly, it will include all relevant interests and priorities, information about and dynamics of the area, and potential strategies, alternatives, and options.<sup>239</sup> The commander and staff wargame the negotiation beforehand, analyzing what courses of action the commander is willing to take to meet his objectives. The commander will then be prepared to make informed judgments in the negotiation based on overall objectives for his mission in that area.

To support this preparation, the NTC provides and teaches officers to use its “Leader Preparation Sheet” when preparing for negotiations in Iraq.<sup>240</sup> A completed sheet is the product of an integrated staff process in which members of the battalion or brigade commander’s staff fill in the parts of the sheet relevant to their area of responsibility. The preparation sheet provides a framework for a comprehensive mission analysis by demanding a thorough understanding of the local economy and industry, religious and tribal dynamics,

educational institutions, civil law enforcement, former military regime elements, and government and civic institutions in the commander's area of responsibility. This includes a cultural and ethno-religious analysis of the particular area.<sup>241</sup> The sheet requires staff officers to develop and fill in a negotiation strategy, information operation themes, mission intent, talking points, sequence of events in the negotiation, possible impasse issues, offers, negotiation points, exit strategy, and the promises made at the last meeting.<sup>242</sup>

The NTC teaches that the preparation sheet should stimulate thinking about a negotiation strategy, an agenda, and the potential directions the negotiation could take, including things that could derail it. NTC's lead negotiations trainer notes that the overall strategy and preparation should suit the officer who will be conducting the negotiation, and the process requires commanders and their staffs to identify intended outcomes that are suitable and feasible. NTC training emphasizes that every meeting with a civilian leader should have an intended outcome.<sup>243</sup> The premise of the NTC's preparation system is that a commander, armed with all of the relevant information and focused on his intended outcome, has everything he needs to negotiate successfully. This is an assumption that will be challenged below.

*Tracking Promises.* The NTC's negotiation training also focuses on the promises that soldiers make to civilian leaders, because of the importance that keeping promises has to credibility. The NTC teaches soldiers to track carefully all promises or perceived promises they make in any negotiation. During the 2-week live exercise, NTC trainers copy every promise made by a unit and its officers or squad leaders. The unit

is evaluated on how many of those promises it kept. The NTC teaches that promises kept are a powerful negotiating tool because a U.S. military negotiator can remind his Iraqi counterpart about the promises that his unit has kept—for instance, the schools built, wells dug, joint U.S.-Iraqi patrols conducted.<sup>244</sup>

Perceived promises are a particular challenge. NTC training instructs officers to finish every negotiation with an explicit review of commitments to clarify what was promised, as well as what may have been perceived as promised but to which the officer did not commit. Finally, soldiers are instructed to write down their promises to enable consistent tracking of those commitments.

*Rehearsal.* The NTC trains officers to rehearse before negotiating with Iraqi civilians. This parallels the rehearsal element of the MDMP. A commander's rehearsal with his interpreter is a critical aspect of this pre-negotiation rehearsal.<sup>245</sup>

After NTC negotiation and cultural awareness presentations, officers prepare for and conduct negotiations with DLI instructors who play mayors and sheiks. Battalion commanders and their staffs prepare for the mock negotiation using the preparation sheet. NTC trainers observe the negotiation, and afterwards the trainer and DLI instructor provide feedback. The staff observes the negotiation via closed circuit TV and provides feedback along with the NTC trainer and DLI instructor. It also provides an opportunity for the staff to test how well they prepared their commander.

*Negotiation Techniques and Tactics.* NTC emphasis on preparation reflects its view that negotiations should be treated as any other tactical mission and

may explain why the training focuses on the system of preparation and not on effective negotiation techniques. Its negotiation training generally does not include negotiation tactics or techniques, but it does include brief discussion of things to do and not do during a negotiation. They include, for instance, do not lie or bluff; do not rush off to the next meeting; do not promise anything outside of your control; finish on time; do not tell jokes; only make threats if you can and will follow through; watch body language; do not have side conversations; and finish with a review of agreements. This is one area of the training that, if enhanced, could provide officers with a set of useful and practical negotiation skills that they can use as a complement to the Leader Preparation Sheet's structural preparation approach.

## ENDNOTES

1. SSTR is the comprehensive U.S. Government term for operations following conflict that are necessary to lead to sustainable peace, while advancing U.S. interests. See Department of Defense (DoD) Directive No. 3000.05: *Military Support for Stability, Security, Transition, and Reconstruction (SSTR) Operations*, November 28, 2005, *idem*. See also *National Strategy for Victory in Iraq*, Washington, DC: National Security Council of the United States, November 2005.

2. Military support for or participation in SSTR usually takes the form of Stability and Support Operations (SASO), the goals of which are typically to provide the local population with security, to restore essential services, to meet humanitarian needs, and to develop indigenous capacity for securing essential services, a viable economy, rule of law, democratic institutions, and a robust civil society. DoD Directive; See also Headquarters, Department of the Army Field Manual 3-07, *Stability Operations and Support Operations*, Washington, DC: U.S. Government Printing Office, 2003, (hereafter SASO Field Manual); Department of the Army Field Manual 3-0, *Operations*, Washington, DC: U.S. Government Printing Office, 2001. SSTR also includes reconstruction operations. Operations comparable to the ones in which the U.S. military is currently engaged are also known as peace operations, stability operations, and/or stabilization and reconstruction operations. See Hans Binnendijk and Stuart E. Johnson, eds., *Transforming for Stabilization and Reconstruction Operations*, No. 31, Washington, DC: Center for Technology and National Security Policy, National Defense University, 2004; Symposium Report, *Stability Operations: Where We Are and the Road Ahead*, Washington, DC: U.S. Army Peacekeeping and Stability Operations Institute, U.S. Department of State, United States Institute of Peace, December 13-14, 2004; Brian G. Watson, *Reshaping the Expeditionary Army to Win Decisively: The Case for Greater Stabilization Capacity in the Modular Force*, Carlisle Barracks, PA: Strategic Studies Institute, U.S. Army War College, 2005.

3. See "Operation Iraqi Freedom Stability Operations-Support Operations, Information Operations, Civil Military Operations, Engineer, Combat Service Support," *Initial Impressions Report No. 04-13*, Ft. Leavenworth, KS: U.S. Army Center for Army Lessons Learned, May 2004, pp. ii-iii (hereafter 2004 CALL Report). This



may change in the future, however, as DoD determines its plan for Iraq, which may include consolidating troops in Iraq on large superbases as it attempts to transition security responsibility increasingly to Iraqis. See Michael Hirsch, "Stuck in the Hot Zone: Don't Dream about Full Exits. The Military is in Iraq for the Long Haul," *Newsweek*, May 1, 2006.

4. See Binnendijk and Johnson, p. 31 (concluding that what the Army and Marine Corps can do in the post-conflict environment is as important as what they do in war; "Rumsfeld Acknowledges U.S., Insurgents Met: Confirmation Follows Newspaper Account of 'Face-to-Face' Meeting," The Associated Press, June 27, 2005, available at [www.msnbc.msn.com/id/8359553/](http://www.msnbc.msn.com/id/8359553/)).

5. For more on how negotiations, as civil-military interactions, can be of strategic importance, see Binnendijk and Johnson, p. 89.

6. *Ibid.*, p. 3.

7. For an example of increasing awareness within the military of the different demands of nonlethal operations, see *White Paper on Nonlethal Weapons*, Ft. Benning, GA: Firepower Division, Directorate of Combat Developments, U.S. Army Infantry Center.

8. By one account, one-third of the U.S. troops currently deployed to Iraq trained at the NTC. See Dexter Filkins and John F. Burns, "Mock Iraqi Villages in Mojave Prepare Troops for Battle," *The New York Times*, May, 1, 2006. The NTC is the largest of the U.S. Army's three major CTCs and the only accredited joint military training facility. The other two CTCs are the Joint Readiness Training Center at Fort Polk, Alabama (JRTC), and the Joint Multinational Readiness Center in Hohenfels, Germany (JMRC). Although the monograph does not explore training conducted by the U.S. Marines and is focused on the training conducted by the largest of the Army's major combat training centers, the description provides a representative picture of how soldiers who will inevitably find themselves negotiating with Iraqi civilian leaders are trained for just such a new and manifestly different mission. The NTC has trained active duty Army, National Guard, and Marine units for deployment to Iraq.

9. The author visited the NTC between February 27, 2006, and March 2, 2006, and observed the 3d Stryker Brigade Combat Team, 2d Infantry Division from Fort Lewis, Washington, during the last few days of its 2-week live exercise. The unit deployed to Iraq (for

the second time) in the summer of 2006. Much of the information about the NTC was provided by author's notes from a Command Briefing delivered by Major Keith Jarolimek, Secretary of the General Staff, National Training Center, U.S. Army, February 28, 2006, and Interview with Major John Clearwater, U.S. Army, at National Training Center, Fort Irwin, California, February 28, 2006.

10. For an additional description of the evolution of the Army's training, with particular emphasis on the NTC and focus on counterinsurgency training, see Filkins and Burns.

11. Interview with Major "A," U.S. Army, at NTC, Fort Irwin, California, March 2, 2006, discussing the enhanced focus on information operations.

12. Negotiation observed by the author on February 28, 2006, at "Medina Wazul," a mock Iraqi town at the NTC.

13. See Interview with Captain "M," U.S. Army, March 1, 2006, p. 21. The NTC trainers recognize that the junior leaders are the ones spending the most time on the ground, but they do not provide training, instead relying on those young officers' own preparation, including knowing their unit's objectives, and understanding their area and its local dynamics. "It's all about homework. . . . [Junior leaders] are the ones that need to not be complacent in their preparation."

14. Watson, pp. 3, 8; SASO Field Manual, p. E-0.

15. See Steven Metz and Raymond Millen, "Intervention, Stabilization, and Transformation Operations: The Role of Landpower in the New Strategic Environment," *Parameters*, Vol. 41, No. 51, Spring 2005; Binnendijk and Johnson, pp. 87-96.

16. See Metz and Millen, p. 51.

17. See Binnendijk and Johnson, p. 88, suggesting that the U.S. military develop "mission essential task lists" (METLs) for these operations, just as it has for combat operations.

18. Tactical and individual decisions can have "strategic implications" because soldiers on the ground are the face of U.S. policy. See Binnendijk and Johnson, p. 89.

19. This is consistent with the Army's own recognition of the importance of training soldiers for the challenges they will face in SSTR operations. See Chapter 8, "Transition," *On Point: The U.S. Army in OPERATION Iraqi Freedom*, Ft. Leavenworth, KS: U.S.

Army Center for Army Lessons Learned, May 2004; SASO Field Manual; Conrad C. Crane and W. Andrew Terrell, *Reconstructing Iraq: Insights, Challenges, and Missions for Military Forces in a Post-Conflict Scenario*, Carlisle Barracks, PA: Strategic Studies Institute, U.S. Army War College, 2003, pp. 43-45; Thomas R. Mockaitis, *Civil-Military Cooperation in Peace Operations: The Case of Kosovo*, Carlisle Barracks, PA: Strategic Studies Institute, U.S. Army War College, 2004; John W. Jandora, "Center of Gravity and Assymmetric Conflict: Factoring in Culture," *Joint Forces Quarterly*, Vol. 39, 2005, pp. 78, 83, suggesting that inclusion of cultural courses in training is important but insufficient and that the joint military community should include related subjects in training to maximize effectiveness of instructional time; Douglas V. Johnson II, "Introduction," in Douglas V. Johnson II, ed., *Warriors in Peace Operations*, Carlisle Barracks, PA: Strategic Studies Institute, U.S. Army War College, 1999, noting the dependence on junior leaders in such operations.

20. There appear to be only ad hoc efforts such as the U.S. Army NTC's use of a negotiation curriculum adjusted by the personal experience of the lead negotiation trainer, who was in Iraq during the invasion and the early months of OIF. The U.S. Army Center for Army Lessons Learned collects best practices submitted online by soldiers and officers. This system, to which the author generally did not have access, relies on voluntary submissions. The information collected, in the words of one officer at the NTC, "lacks analytical rigor."

21. These narrative interviews provide an opportunity to take a structural approach to studying military-civilian negotiations in SSTR operations by examining the key elements of such negotiations. Structural analysis of negotiations relates the key elements to outcomes and enables a comprehensive approach. See I. William Zartman, "The Structure of Negotiation," *International Negotiation: Analysis, Approaches, Issues*, Victor A. Kremenjuk ed., 2d ed. 2002, pp. 71-72 (hereafter Zartman, Structure).

22. It is reasonable to assume that the U.S. military will in the future continue to deploy to new countries or regions, tasked with a mission to secure, stabilize, support transition, and/or reconstruct a nation, locality, region, or society—as the military has been deployed in the recent past to Haiti, Somalia, Bosnia, Kosovo, Afghanistan, and Iraq. See Binnendijk and Johnson, pp. 3-6.

23. All but one of the interviewees served in Iraq since 2003, and Iraq is therefore used here as the representative example from which the monograph generalizes to SSTR operations more broadly, although some of the findings may be limited to Iraq.

24. There are no battalion or brigade commanders represented in the sample, but many of the officers participated in and prepared for negotiations between such commanders and Iraqi leaders. In fact, this disproportionate number of lower-level leaders is consistent with the high proportion of negotiations in Iraq in which the member of the U.S. military who is negotiating with an Iraqi civilian leader is not a battalion or brigade-level commander but a junior officer or NCO.

25. See Dean G. Pruitt, "Strategy in Negotiation," Victor A. Kremeneyuk, ed., *International Negotiation: Analysis, Approaches, Issues*, 2d Ed., San Francisco, CA: Jossey-Bass, 2002, pp. 85.

26. *Ibid.*

27. *Ibid.*, p. 85; Roy J. Lewicki, Alexander Hiam, and Karen Wise Olander, *Think Before You Speak: The Complete Guide to Strategic Negotiation*, New York: John Wiley and Sons, 1996, p. 59.

28. Lewicki *et al.*, p. 58.

29. This negotiation principle manifests itself frequently in Iraq. Interviewees described numerous negotiations in which their Iraqi counterpart would concede to their demand or request because the officer was exerting pressure via his military power. The Iraqi would not actually execute the agreement, however. Many of the officers saw this as a lack of integrity or a reason to mistrust, when in reality there may just have been a failure of true agreement. The U.S. negotiator failed to accomplish the mission because he did not focus on the Iraqi's underlying interests and find with that civilian leader an agreement that truly met his interests, one on which he would want to follow through.

30. It will often be wise to downplay the obvious fact of highly asymmetric military power as either a gesture of good will or a way of managing tension and diminishing the chances of conflict escalation. Two officers often removed their vests and left their rifles outside of the room when in safe, well-guarded locations as a way of decreasing the barriers between themselves and their Iraqi counterpart. See, e.g., Interview with Captain "B," U.S. Marine Corps, April 5, 2006, p. 11, "I would take some of my gear off and try to be less threatening to these people. I began just to present

myself as a human being, because the more you try and hide behind all your armor and your weapons and everything, you're just more threatening. Again, that's just counterproductive."

31. Mnookin, *et al.*, suggest that negotiators, when preparing their strategy, should ask three questions that can be analogized to the military-civilian context: (1) Is this the rare situation when the military truly cannot afford anything but the precise outcome it is demanding, given the relationships, competing priorities, and prospect of future negotiations? (2) How can the military negotiator create value by exploring trades or bargains based on differences in preferences? and (3) Are there opportunities to accomplish more than the immediate desired outcome by exploring a broader range of potential longer term agreements that satisfy the soldier as well as the civilian and provide a platform for a continued productive relationship? See Robert H. Mnookin, Scott R. Pepper, and Andrew S. Tulumello, *Beyond Winning, Negotiating to Create Value in Deals and Disputes*, Cambridge, MA: The Belknap Press, Harvard University, 2000, pp. 225-226 (hereafter Mnookin, *Beyond Winning*).

32. See Appendix.

33. For instance, one approach suggests that cognition is situated in the particular context and cannot be reduced to individual cognitions. The products of cognition, including accurate perceptions, judgments, as well as biases, are also situated in the context, as is "the very nature of integrative potential in a negotiation . . ." Leigh Thompson, *et al.*, "The Evolution of Cognition and Biases in Negotiation Research: An Examination of Cognition, Social Perception, Motivation, and Emotion," Michele J. Gelfand and Jeanne M. Brett, eds., *The Handbook of Culture and Negotiation*, Palo Alto, CA: Sanford University Press, 2004, pp. 32-33.

34. See Interview with Major "C," U.S. Army, March 2, 2006; Interview with Captain "D," U.S. Army, February 28, 2006; Interview with Captain "E," U.S. Army, February 28, 2006; Telephone Interview with Major "F," U.S. Army, March 9, 2006; Interview with Captain "G," U.S. Army, November 30, 2005; Interview with Captain "H," U.S. Marine Corps, Ret., November 21, 2006; Written Interview with Captain "I," U.S. Army, February 19, 2006; Interview with Captain "J," November 30, 2005; Interview with Captain "K," U.S. Army, Ret., January 16, 2006; and Interview with "M."

35. Interview with "H," pp. 41-42.

36. *Ibid.*, p. 30.

37. *Ibid.*, pp. 12, 20.

38. One emphasized knowing who in the situation has power to act. See Interview with Colonel "L," U.S. Army, March 1, 2006. Captain "M" stressed the importance of knowing who has influence and power locally – the sheik, the mayor, or others. See Interview with "M." Major "C" discussed the need to understand the local dynamics of the area's leaders; for example, whether they are Kurds, Sunnis, or Shiites, and how that affects the dynamics of the local community. See Interview with "C." Captain "D" argued that knowing who to talk to and who you are talking to are two of the most important requirements for conducting negotiations in environments like Iraq. See Interview with "D."

39. Interview with "E," p. 25.

40. Interview with "M," p. 25.

41. Interview with "G," p. 23.

42. "I would sit there and try to negotiate price. Basically, I would just try to bring them down to something that seemed a little bit more reasonable to me. And really, on the Iraqi economy, I was ball-parking it. I wasn't somebody who was experienced in that sort of thing. I'm a soldier. By trade I'm a soldier." Interview with "K," p. 9.

43. *Ibid.*, p. 34.

44. See Interview with "E," pp. 14-17.

45. Interview with "C," p. 34; See also Interview with "K," p. 26; David A. Lax and James K. Sebenius, *The Manager as Negotiator: Bargaining for Cooperation and Competitive Gain*, New York: The Free Press, 1986, p. 255 (hereafter Lax and Sebenius, *Manager as Negotiator*).

46. Interview with "C."

47. Interview with "M," p. 17.

48. This study is consistent with appeals to examine the role of culture together with other contextual factors in negotiation, presenting a dynamic view of culture in negotiation, instead of a static, oversimplified study of group differences. See Gelfand and Brett, eds., *The Handbook of Culture and Negotiation*. My

monograph analyzes the interviews for conditions and factors that may make cultural difference more or less influential in military-civilian negotiations in SSTR operations. I have tried to avoid an oversimplified study of culture in these negotiations in favor of studying the role of culture in relation to other contextual variables, such as military power, relationships, and the many conditions that exist in, and define, SSTR operations, the concurrent existence of violence, reconstruction and transition efforts, newly formed civil governing institutions, a foreign military presence, and the psychology of occupation. Unlike experimental research, this monograph has the advantage of presenting the multilevel “contextual complexity” in which cross-cultural negotiations take place. See *ibid.*, p. 421; Robert A. Rubinstein, “Cross-Cultural Considerations in Complex Peace Operations,” *Negotiation Journal*, January 2003, pp. 29-32. The military-civilian SSTR negotiations provide a rich sample in which individualistic and national culture variables can be studied, as well as the macro levels of analysis involving institutions and social networks (e.g., U.S. military culture, tribal organization) as well as the structure of military occupation. Finally, the method used—narrative interviews—provide what Gelfand and Brett write are “essential” to capturing the multilevel, contextual complexity of cultural dynamics. Gelfand and Brett, p. 425.

49. Army and Marine units now include cultural awareness and rudimentary language training of some sort in their predeployment preparations, and the combat training centers integrate such training throughout their exercises. Cultural understanding and languages have been central to the military’s special operations forces, civil affairs units, foreign service officers, and language programs for many years. This monograph does not document the vast experience these specialties have in interacting with civilians of different cultures. It does not attempt to document everything the U.S. military understands about how to operate in cross-cultural situations or about particular cultures. It does not explore the U.S. military’s perspective on the influence of culture. Nor is this a primer on Iraqi culture.

50. Study of the role of culture in negotiation is still relatively young, but scholars in the field have tried more recently to study it directly and apply research from other fields to the topic. Gelfand and Brett, *Handbook of Negotiation and Culture*, is a substantial effort at bringing this research together. See also James K. Sebenius,

"Caveats for Cross-Border Negotiators," *Negotiation Journal*, April 2002, p. 121 (hereafter Sebenius, Caveats).

51. See, e.g., Jeanne M. Brett, *Negotiating Globally: How to Negotiate Deals, Resolve Disputes, and Make Decisions Across Cultural Boundaries*, San Francisco, CA: Jossey-Bass, 2001 (hereafter Brett, *Negotiating Globally*); Gelfand and Brett; Rubinstein.

52. See Shirli Kopelman and Mara Olekalns, "Process in Cross-Cultural Negotiations," *Negotiation Journal*, October 1999, pp. 373-374; See, generally, Sebenius, Caveats.

53. See Michael W. Morris and Michele J. Gelfand, "Cultural Differences and Cognitive Dynamics: Expanding the Cognitive Perspective on Negotiation," Gelfand and Brett, eds., *The Handbook of Culture and Negotiation*, p. 45; Sebenius, Caveats, pp. 122-126.

54. A useful definition of culture refers to "socially transmitted values, beliefs, and symbols that are more or less shared by members of a social group. These constitute the framework through which members interpret and attribute meaning to both their own and others' experiences and behavior." Kevin Avruch, "Culture as Context, Culture as Communication: Considerations for Humanitarian Negotiators," *Harvard Negotiation Law Review*, Vol. 9, Spring 2004, pp. 391, 393.

55. See Brett, *Negotiating Globally*, p. 7.

56. This monograph takes care not to make too broad a claim with respect to the cultural differences that affect negotiations between the U.S. military and civilians in Iraq. Given the broad experience of the 14 interviewees, however, the experience described in their narratives appears to be representative and to capture the most pertinent cultural dynamics.

57. Brett, *Negotiating Globally*, p. 15.

58. See Rubinstein, pp. 32-37.

59. *Ibid.*, p. 38.

60. See Kevin Avruch and Peter W. Black, "Conflict Resolution in Intercultural Settings: Problems and Prospects," Dennis J.D. Sandole and Hugo Van Der Merwe, eds., *Conflict Resolution Theory and Practice: Integration and Application*, Manchester, UK: Manchester University Press, 1993, p. 131.

61. See Morris and Gelfand, pp. 45-53.

62. *Ibid.*, p. 54.



63. *Ibid.*, pp. 60-63.

64. For instance, in discussing conditions of the social context which may have an impact on activation of knowledge structures that, in turn, may vary across cultures, Morris and Gelfand demonstrate how contextual all of these variables are, and therefore how dependent on context, the facts and issues of the negotiation, and the personal characteristics of the parties to a cross-cultural negotiation is. See Morris and Gelfand, pp. 60-65.

65. *Ibid.*, p. 53.

66. *Ibid.*

67. For a similar perspective, see generally, Sebenius, Caveats.

68. See, generally, Interview with "B," showing interests, trust, and relationships to be paramount, and cultural differences largely irrelevant, in his negotiations; Interview with "J," p. 22, stating that it was important to "not let [cultural awareness training] push around the way business should be done. We're there to do a job, and either you can help us do that job or not . . . This is what I need and if you can't provide that, then I'm sorry. Then I will look elsewhere. It's no different than how we would operate here."

69. See, e.g., Interviews with "H," "I," "K," "B." See also Kopelman and Olekalns, pp. 375-376, discussing the importance of rapport.

70. See Morris and Gelfand, pp. 64-65, noting that their theory shows how negotiators can control and manage cultural influences as active participants in creating and managing culture.

71. See Sebenius, Caveats, p. 130.

72. See, e.g., Interview with "G," p. 17; Interview with "M," pp. 23-26.

73. See Interviews with "F," "I," "D," "G," "M," "J," "H," "B," and "E."

74. Interview with "H," pp. 31, 45. This reflects the need for "cultural competence" that is necessary for successful cross-cultural negotiation. See Avruch, p. 394.

75. Interview with "I," p. 3.

76. *Ibid.*, p. 10; See also Telephone Interview with Lieutenant "N," Wisconsin National Guard, Ret., February 16, 2006, pp. 12,

33, suggesting that trust was relatively low and always contingent on verification.

77. See Rubinstein, p. 38.

78. See Kopelman and Olekalns, p. 374.

79. This is consistent with international negotiation research that suggests that negotiations characterized by large asymmetries of power between the parties may be more efficient. See I. William Zartman and Jeffrey Z. Rubin, "Symmetry and Assymetry in Negotiation," I. William Zartman and Jeffrey Z. Rubin, eds., *Power and Negotiation*, Ann Arbor, MI: University of Michigan Press, 2000, pp. 271-273 (hereafter Zartman and Rubin, Symmetry and Assymetry).

80. As discussed below, the relationship between the parties plays an important role and may override this effect.

81. See Jeswald W. Salacuse, "Lessons for Practice," Zartman and Rubin, eds., *Power and Negotiation*, p. 255.

82. But see Interview with "B," pp. 7, 10, stating that cultural differences did not matter as long as one was aware of them.

83. The likelihood that an individual will exhibit the most likely (average) group characteristics is actually rather low. See Sebenius, *Caveats*, pp. 122-26. This prototypicality error may be worse than ignoring differences of national culture altogether. *Ibid.*

84. One similarity noted in the interviews was the familiarity of communicating in the language of the military. Two officers observed that Iraqi civilians had dealt with an ever-present military for so long that the differences between military and civilian cultures were not a factor in their negotiations. It may have been easier for U.S. soldiers to communicate with Iraqi civilians than to communicate with other civilians, such as aid workers, who are not used to working with soldiers. See Interview with "I," p. 15; Interview with "E," p. 30.

85. A number of officers viewed their counterparts' reluctance to make commitments as exclusively reflecting a cultural norm instead of possibly resulting from the negotiation's failure to meet the Iraqi's interests sufficient to motivate a firm commitment. The cultural dynamic cited is epitomized by Iraqis' use of "Inshallah," which means "God willing" in Arabic. See Interviews with "F," p. 32; "H," pp. 38, 45; "D," pp. 5-7. This could reflect an overattribution

of Iraqi behavior to national or ethnic culture. See Avruch, p. 405; Sebenius, *Caveats*, pp. 126-128, citing the misguided tendency to view national culture as the indispensable key to explaining and predicting the behavior of one's counterpart and blaming culture for unwanted outcomes instead of focusing on more important contextual factors such as power, economics, or interests.

86. For more on self-serving perceptions of a negotiator's side and partisan perceptions of the other side in the cross-cultural context, see Sebenius, *Caveats*, p. 129.

87. The officers interviewed who worked on reconstruction while serving in Iraq uniformly said that money played a powerful role in these negotiations. Money, one officer said, is a universal language. See Interview with "J," p. 20. They noted that the business character of reconstruction contract negotiations broke through the cultural differences that may otherwise have prevented effective cooperation. See e.g., Interview with "K," p. 11. One officer concluded that in such negotiations, money was the most important lever of power, which he used frequently to help him secure fair prices, guarantees of timely completion, and to enforce standards of construction quality. See Interview with "I," p. 12.

88. See Morris and Gelfand, p. 65. For instance, perception of time is one difference between U.S. soldiers and Iraqis that is both cultural and organizational. Several officers mentioned that their impatience in negotiations became a barrier to agreement. See, e.g., Interview with "G," p. 23.

89. Rubinstein, p. 43.

90. See Morris and Gelfand, p. 65.

91. See Rubinstein, p. 42.

92. See *ibid.*; Avruch, p. 400, noting that culture is neither timeless nor changeless but emerges in new forms out of changing social context.

93. See, e.g., 2004 CALL Report, pp. 39-42.

94. Lax and Sebenius, *Manager as Negotiator*, p. 249.

95. Interview with "E," p. 31.

96. Negotiating power is a practical subject for negotiators to think about, but most negotiators do not think about a theory of power. See Salacuse, p. 255. This is unfortunate in the SSTR

context, because power is such a central element in the military-civilian negotiations. If negotiators do not examine their power in a rational and systematic way, they may not use it as wisely as they otherwise could. *Ibid.*, p. 256.

97. Just as the U.S. Army NTC's lead negotiation trainer emphasizes preparation and understanding the area of operations as necessary to successful negotiation in Iraq, this suggestion puts forward the idea that an understanding of the dynamics of power in negotiations, especially military-civilian ones, can give a negotiator an advantage.

98. See, e.g., Roger Fisher *et al.*, *Getting to Yes: Negotiating Agreement Without Giving In*, 2d Ed., New York: Penguin Books, 1991, p. 100 (hereafter Fisher, *Getting to Yes*); Russell Korobkin, "Bargaining Power as Threat of Impasse," in Three Conceptions of Power, *Marquette Law Review*, Vol. 87, 2004, pp. 867-868; Zartman, Structure, p. 75.

99. See Heidi Burgess and Guy Burgess, "Constructive Confrontation," *Conflict Research Consortium Working Paper 97-1* available at [www.colorado.edu/conflict/full\\_text\\_search/AllCRCDocs/97-1.htm](http://www.colorado.edu/conflict/full_text_search/AllCRCDocs/97-1.htm).

100. See Zartman, Structure, p. 74.

101. I. William Zartman and Jeffrey Z. Rubin, "The Study of Power and the Practice of Negotiation," Zartman and Rubin, eds., *Power and Negotiation*, pp. 3, 8 (hereafter Zartman and Rubin, Power and Practice).

102. Lax and Sebenius, *Manager as Negotiator*, p. 250. This description of negotiating power is particularly helpful in understanding the complexity of power's role in SSTR negotiations.

103. *Ibid.*, p. 251. A favorable change in the bargaining set is a revised probability distribution—that the negotiator prefers to the original distribution and that reflects a change in the various likelihoods of outcomes—caused by a new tactic, a new factor injected into the negotiation, or a change in the actual or perceived parties' relative power.

104. *Ibid.*, p. 251, n. 5.

105. See Jayne Seminare Docherty, "Power in the Social/Political Realm," in Three Conceptions of Power, *Marquette Law Review*, Vol. 87, 2004, pp. 860, 864-865, "[P]ower comes in many

forms, and the motivation to use different forms of power in any given situation is a complex process . . . ”; Lax and Sebenius, *Manager as Negotiator*, p. 251, n.5.

106. See John W. Keltner, *The Management of Struggle: Elements of Disputer Resolution through Negotiation, Mediation, and Arbitration*, Cresskill, NJ: Hampton Press, 1994, pp. 49-63. Keltner identifies four types of power: structural, agreement, persuasive, and performance. Lax and Sebenius identify five factors that serve as underlying bases of power. See Lax and Sebenius, *Manager as Negotiator*, pp. 255-258, for a more complete description of these five factors. While not described as types of power, they complement Keltner’s four types. The first, coercion, is discussed more below. Remuneration refers to the ability to trade, to offer something of value in exchange for the desired agreement. Identification takes into account the ability of a leader or negotiator’s charisma to exert pressure on or influence the other party, similar to Keltner’s persuasive power. See Keltner, p. 77. Normative conformity refers to the power exerted when a negotiator claims his position is right, legitimate, or carries some principled weight. This corresponds to Fisher *et al*’s theory of principled, interest-based negotiation. Knowledge can be a basis for power because information can change the understanding of the parties as to the value of various potential agreements. In addition to Lax and Sebenius, see Howard Raiffa, “Analytical Barriers,” Kenneth J. Arrow, Robert H. Mnookin, Lee Ross, Amos Tversky, and Robert Wilson, eds., *Barriers to Conflict Resolution*, New York: W. W. Norton, 1995, pp. 132, 139.

107. Docherty, P. 862.

108. Russell Korobkin, *Negotiation Theory and Strategy*, 2002, p. 151. See also William L. Ury, Jeanne Brett, and Stephan Goldberg, *Getting Disputes Resolved: Designing Systems to Cut the Costs of Conflict*, 2nd Ed., San Francisco, CA: Jossey-Bass, 1993, p. 7.

109. Korobkin, p. 161.

110. For instance, Docherty describes three forms of coercive power: direct, process, and the power of the spoiler. See Docherty, p. 865. Direct power is the most raw form. It concerns who participates, who gains and who loses. Process power concerns the ability to shape the negotiation process, control the agenda, and include or exclude certain parties. Power of the spoiler refers to the power held by secondary parties away from the negotiating table who could prevent agreement. *Ibid.*

111. See Max H. Bazerman *et al.*, "Enlarging the Societal Pie—A Cognitive Perspective," *Harvard Negotiation, Organizations, and Markets Research Paper 02-17*, 2001, pp. 15-18.

112. See Korobkin, p. 867; Zartman, "Structure," p. 76.

113. See Interview with "B," p. 10, "It would be totally counterproductive."

114. See David C. King and Richard J. Zeckhauser, "Legislators as Negotiators," Robert H. Mnookin and Lawrence E. Susskind, eds., *Negotiating on Behalf of Others*, Oaks, CA: Sage Publications, 1999, p. 208; Lax and Sebenius, *Manager as Negotiator*, p. 250, citing Thomas Schelling, *the Strategy of Conflict*, Cambridge, MA: Harvard University Press, 1960, p. 22, "[M]ore military potency [and other traditional indicia of power] are by no means universal advantages in bargaining situations; they often have a contrary value." See generally, Zartman and Rubin, "Symmetry and Assymetry." See also Interview with Johnson, pp. 31-32, "It was knowing the theory that we were not there—as an organization, understanding that we were not there—to force people to do things at gunpoint. We purposely subjugated ourselves to the District Advisory Council in order to legitimize that government."

115. See Korobkin, p. 868.

116. See Ury *et al.*, p. 8.

117. See Korobkin, p. 870-871. The interviews show that sometimes U.S. military negotiators would refuse to concede an issue for weeks during an ongoing negotiation to demonstrate their unit's power, to call the bluff of their Iraqi counterpart, or to demonstrate that they would not be pushed around. See Interview with "E," pp. 22-23. While this is an example of the Army unit asserting its power through its ability to be patient, it also suggests that the Iraqi negotiators were asserting forms of power that the U.S. soldiers felt they needed to resist.

118. See, e.g., Keltner, p. 45, "Power is a potential and actual process of intentionally influencing events, beliefs, emotions, values, and behavior of others in order to satisfy self and/or others' needs and desires by performing some actions which are basically communicative in nature"; Zartman and Rubin, "Symmetry and Assymetry," p. 281.

119. See Docherty, pp. 863-864; Zartman and Rubin, "Symmetry and Assymetry," p. 277, discussing the tactics weaker

parties employ as counterstrategies to the domination by stronger parties..

120. See Zartman and Rubin, "Symmetry and Assymetry," p. 277, noting that weak parties may be cooperative or evasive but not submissive; instead they bluster, dawdle, appeal, borrow power, exercise a veto, etc.

121. See, e.g., Fisher, *Getting to Yes*, p. 98; Mnookin, *Beyond Winning*, p. 31.

122. See Mnookin, *Beyond Winning*, pp. 28-31.

123. See Anne L. Lytle, Jeanne M. Brett, and Debra L. Shapiro, "The Strategic Use of Interests, Rights, and Power to Resolve Disputes," *Negotiation Journal*, 1999, pp. 31, 41-42; Mnookin, *Beyond Winning*, p. 224. Allred refers to these as "vicious cycles" of conflict escalation. See Keith G. Allred, "Relationship Dynamics in Disputes: Replacing Contention with Cooperation," Michael L. Moffitt and Robert C. Bordone, eds., *The Handbook of Dispute Resolution*, San Francisco, CA: Jossey-Bass, 2005, p. 84.

124. See Lytle *et al.*, p. 39.

125. See, e.g., *ibid.*

126. See, e.g., *ibid.*; Interview with "B," p. 9.

127. See, e.g., Lytle *et al.*, p. 38.

128. *Ibid.*, p. 39.

129. Interview with "E," p. 31.

130. The U.S. military is constrained by U.S. and international law as well as its own policies, practices, procedures, protocols, and standards. See, e.g., *Geneva Convention Relative to the Treatment of Civilian Persons in Time of War*, August 12, 1949, 6 U.S.T. 3516; *Uniform Code of Military Justice*, 10 U.S.C. §§ 801-950, 2000; SASO Field Manual. Just as important, it has mission-specific objectives (e.g., establishing local government councils, training security forces, and building independent Iraqi institutions) and political imperatives—supporting the transition from U.S. control to Iraqi sovereignty—which requires the U.S. military to respect Iraqi sovereign authority in many situations. This is increasingly the case in Iraq, as the United States pushes to hand over control of the country to Iraqis and Iraqi security forces.

131. "[T]here's a lot of negotiating power when you're sitting at a table, like we are, say with an interpreter over here and right

in front of you, in between us, is an M16." Interview with "K," p. 11.

132. See, e.g., Interview with "F," p. 46, discussing threats to discontinue funding; Interview with "H," discussing negotiations with local sheik seeking release of prisoners in which Walsh kept sheik waiting for 30-60 minutes as demonstration of power and refused to release the prisoners.

133. See Zartman and Rubin, "Power and Practice," pp. 16-17; Zartman and Rubin, "Symmetry and Assymetry," pp. 275-277, providing support for the proposition that negotiators with high relative power tend to behave exploitatively.

134. Interview with "I," p. 13.

135. This is a classic example of "BATNA bashing." See Mnookin, *Beyond Winning*, p. 25.

136. Interview with "C," p. 3.

137. Interview with "F," p. 34.

138. Interview with "H," pp. 23-24.

139. See Zartman, "Structure," p. 76, citations omitted.

140. Interview with "G," pp. 5-7.

141. *Ibid.*, p. 6.

142. *Ibid.*, p. 5.

143. *Ibid.*, p. 6.

144. "Much of power is a matter of perception . . ." Zartman and Rubin, "Power and Practice," p. 13. Exploring the perception of power is more useful than trying to define a static objective reality of power between the parties, because perceptions govern the negotiators' behavior. *Ibid.*, pp. 13-14.

145. *Ibid.*, p. 13 (discussing power as "a perceived relation.")

146. See, e.g., Daniel Kahneman and Amos Tversky, "Conflict Resolution: Cognitive Perspective," Arrow *et al.*, eds., *Barriers to Conflict Resolution*, pp. 44, 46-50, discussing optimistic overconfidence bias; Interview with "B," p. 3, suggesting that many fellow Marines make this mistake.

147. I raise the issue of cognitive bias because the intensity of the SSTR environment and the incredible amount of new information faced by U.S. soldiers in such an environment, including cultural differences, provide such a ripe set of circumstances for potentially



clouded judgment. See Morris and Gelfand, p. 45. The potential for tactical mistakes due to bias is high because of the sometimes overwhelming information-processing demands inherent in negotiating in a war zone with civilians of another culture. *Ibid.* For an excellent and more general review of the current state of research on cognition and biases in negotiation, see Leigh Thompson *et al.*

148. See Crane and Terrell, *Reconstructing Iraq*, pp. 43-45; see, generally, Binnendijk and Johnson.

149. Resorting to force reflects a failure to resolve the dispute or find an agreement, and while that may sometimes be a necessary result of an interaction in the tense and often violent environment of an SSTR operation, using force because negotiation failed usually represents "a failure of skill, a failure of will, or a dearth of creativity on the part of one or more of the disputants." Robert C. Bordone and Michael L. Moffitt, "Perspectives on Dispute Resolution," Moffitt and Bordone, eds., *The Handbook of Dispute Resolution*, 2005, pp. 1, 11.

150. This is supported by research that shows that the perception of power symmetry or asymmetry is related to elements such as force, resources, and reputation. See Zartman and Rubin, "Power and Practice," p. 13.

151. Analysis of the negotiations discussed in the interviews confirms this. Most of the negotiations in which officers threatened force or used indicia of force to influence their counterparts were negotiations related to security concerns. Generally, the officers did not use the same tactics in the many negotiations they discussed that concerned reconstruction or transition to Iraqi civil government, although they sometimes still characterized their power as being their military power to coerce.

152. By his control of funds, for instance. His power relative to the Iraqi(s) with whom he is negotiating is likely to be reduced by, for instance, the Iraqi town council's control of prioritizing reconstruction projects as part of the transition to Iraqi sovereignty, to which the U.S. military is committed. This reflects research that suggests that aggregate power, in this case the military power to coerce and control, is not as important as issue-specific power in a particular negotiation, in this case decisions about reconstruction in the town. See Salacuse, p. 261.

153. See Zartman and Rubin, "Symmetry and Asymmetry," p. 284, citing relationships as the last of three constraints on a strong party's power.

154. "There were some people who made it absolutely clear through every negotiation that they were only negotiating with the U.S. Army because we were the people that were there with the firearms all over Iraq." Interview with "E," p. 24.

155. The U.S. military negotiator's power to negotiate an outcome may be detached from his military power.

156. See Interview with "K," pp. 11-12, concluding that the military power—the show of weaponry and equipment—was inevitable and obvious but as an effect on the negotiation was limited to keeping the discussion civil, to "a low key, never very heated."

157. There will be negotiations for which a strategy based on power may have advantages, but they tend to be more rare than most negotiators think. See Lytle *et al.*, pp. 41-42.

158. For general suggestions and lessons on using power, as either a weak or strong party to a negotiation, see Salacuse, pp. 255-269.

159. See Interview with "L," noting that it is important to know when to use and exert power and when not to, based on a judgment that requires understanding the entire situation; Interview with Gregory, p. 45, stating that there is a time and place for using force and power, and one should not be afraid to use it appropriately when appropriate but must know the relevant limits and rules of engagement.

160. The U.S. Army recognizes this. In an initial review of civil-military operations and cultural considerations in Operation Iraqi Freedom, it recommends that soldiers weigh short term tactical gains against long term implications and second-order effects. 2004 CALL Report, p. 42.

161. Interview with "I," pp. 11-12.

162. See, e.g., Lytle *et al.*, p. 40.

163. See Raymond A. Millen, *The Yin and Yang of Counterinsurgency in Urban Terrain*, Carlisle Barracks, PA: Strategic Studies Institute, U.S. Army War College, 2005, unpublished manuscript on file with the author; Steven Metz and Raymond Millen, *Insurgency and Counterinsurgency in the 21st Century: Reconceptualizing Threat*

*and Response*, Carlisle Barracks, PA: Strategic Studies Institute, U.S. Army War College, 2004; 2004 CALL Report, pp. ii-iii.

164. See note 30.

165. See Mnookin, *Beyond Winning*, p. 240; Lytle *et al.*, p. 43.

166. See generally Fisher, *Getting to Yes*, p. 98; See also Lytle *et al.*, p. 43.

167. This emphasis on taking an interest-based approach while maintaining an eye on power, culture, and context recognizes the limits of an exclusive focus on interests in the complicated cross-cultural and militarized environment of SSTR operations. But see Avruch, pp. 395, 404, arguing that strictly interest-based bargaining is limited in international humanitarian negotiations.

168. See Jeffrey M. Senger, "Tales from the Bazaar: Interest-Based Negotiations Across Cultures," *Negotiation Journal*, July 2002, pp. 233-234.

169. See Interview with "H," pp. 25, 27, volunteering that listening was the most important thing he did in negotiations.

170. See *ibid.*

171. Lytle *et al.*, p. 34; see, generally, Ury *et al.*

172. Lytle *et al.*, pp. 33-34, citing Ury *et al.*

173. *Ibid.*, pp. 34-38, finding more emphasis on rights and power in the first and third quarters of the negotiation than in the second and fourth quarters.

174. See Interview with "L."

175. See Interview with "E", pp. 7-8.

176. *Ibid.*, p. 8.

177. See Interview with "B," pp. 3-6.

178. *Ibid.*, pp. 5-8.

179. *Ibid.*, p. 9.

180. *Ibid.*, pp. 4-8.

181. This approach combining power and interests foci may be just as effective at redirecting negotiations to the parties' interests as an exclusively interests-based approach. See Lytle *et al.*, p. 44.

182. See Lytle *et al.*, p. 44, citing H. G. Lerner, *The Dance of Anger*, 1985.

183. See Michael L. Moffitt, "Disputes As Opportunities to Create Value," Michael L. Moffitt and Robert C. Bordone, eds., *The Handbook of Dispute Resolution*, 2005, pp. 173, 176, arguing that zero-sum models are too simplistic to accurately describe the realities of disputes; James K. Sebenius, "International Negotiation Analysis," Victor A. Kremenyuk ed., *International Negotiation: Analysis, Approaches, Issues*, 2nd Ed., San Francisco, CA: Jossey-Bass, 2002, pp. 229, 242 (hereafter Sebenius, *International Negotiation*), arguing that such approaches do not manage the tension between creating and claiming value and ignore the large number of different approaches, tactics, and procedures available to improve the effectiveness of negotiation.

184. See, e.g., Lytle *et al.*, p. 43.

185. See, e.g., Pruitt, p. 91; Sebenius, *International Negotiation*, p. 230.

186. See Lytle *et al.*, p. 39, noting the prevalence of reciprocation, causing a negative conflict spiral that jeopardizes the outcome, may create a new dispute, and leaves a motive for revenge.

187. For an example of a positive approach, see Interview with "B," p. 11, using honesty, friendliness, apology, nonthreatening conversation over a cigarette to develop relationships and frame negotiations in terms of counterpart's interests.

188. See Brett, *Negotiating Globally*, p. 115. This is also called "firm flexibility," in which negotiators are contentious about their basic interests but willing to engage in flexible problem-solving. See Pruitt, p. 87.

189. See Lytle *et al.*, p. 48; For a recent example, see David S. Cloud, "In Bid to Rebuild Razed Bridge, Recovery and War Vie in Iraq," *The New York Times*, April 6, 2006, p. 1.

190. See, e.g., Lytle *et al.*, p. 48.

191. The approach could therefore be more accurately understood as a productive way to manage the negotiator's dilemma described by Lax and Sebenius or the tension between creating and distributing value described by Mnookin *et al.* The dilemma reflects the tension between competitive moves to "claim value" for the negotiator's benefit and cooperative moves to "create value" that enlarges the pie. See Lax and Sebenius, *Manager as Negotiator*; Mnookin, *Beyond Winning*. This tension is inescapable and "affects virtually all tactical and strategic choice."

Lax and Sebenius, *Manager as Negotiator*, p. 30. Competitive and cooperative elements of a negotiation, like power and interests, are “inextricably entwined.” *Ibid.* Tactics to claim or distribute value rely primarily on the negotiator’s power, and, like a focus on power discussed above, risks a negative result. “Claiming” tactics can lead to inferior agreements for both parties, risk impasses to agreement, and are more likely to lead to negative conflict spirals of threats and counterthreats. *Ibid.*, p. 246.

192. Pruitt describes four techniques for managing this tension between “contending” and “problem-solving.” See Pruitt, p. 86-88. This suggestion is consistent with observations that cooperation and a focus on interests are not sufficient to create value. See Moffitt, p. 181-184.

193. See Lewicki, pp. 54-55; Allred, p. 82.

194. See Kopelman and Olekalns, p. 378, citing research that demonstrates a relationship between strength of friendship ties and negotiation outcomes.

195. See Roderick M. Kramer, “The Dark Side of Social Context: The Role of Intergroup Paranoia in Intergroup Negotiations,” Gelfand and Brett, eds., *The Handbook of Culture and Negotiation*, p. 220.

196. “[S]ocial relations are really everything . . . your word is everything, and you don’t get anywhere until you know somebody . . .” Interview with “H,” pp. 15, 42; See also Interview with “B,” pp. 5, 6, noting that he never got information the first time he met someone.

197. See Interview with “K,” p. 33; Interview with “E,” p. 22.

198. See Interview with “E,” pp. 22-23. This is consistent with the negotiation literature. See Kopelman and Olekalns, p. 378.

199. See Interview with “E,” pp. 23-24.

200. See Interview with “H,” p. 36.

201. See Interview with “D,” pp. 19-20; Interview with “B,” pp. 5-6, stating that when he secured information it was only after a relationship of some sort had been established.

202. Interview with “E,” p. 23.

203. For one officer, “I was just another soldier to them most of the time. In only a few instances did I have the time to get to know

an Iraqi closely enough to earn their true trust and friendship." Interview with "I," p. 15.

204. Interview with "I," p. 17; See also Metz and Millen, p. 51, arguing that the new strategic environment requires sometimes turning enemies into nonbelligerents, allies, and friends.

205. Interview with "K," p. 26.

206. See Interview with "E," pp. 22-24, "Everything that we did was pushed towards maintaining the relationship, which did not always mean being friends or being polite. Sometimes . . . we were trying to demonstrate our position in the relationship as the ones in authority and the ones that had power; that we would not be screamed at in this meeting, or we would not be pushed around. We were not going to accede to this particular sheikh's demands."

207. Some research suggests that outcomes may be unnecessarily suboptimal because concern for the relationship outweighs concern for the task. See Kopelman and Olekalns, p. 378.

208. See Kramer, pp. 221-227.

209. See *ibid.*, p. 230. See discussion on pp. 32, 50-51. The accuser and excuser biases may have particular relevance in this situation. See Allred, p. 85.

210. See, e.g., Interview with "H," pp. 13-14. Kramer cites the need for more field research, including ethnographic research in cross-cultural settings, that investigates paranoid cognition and the role and development of trust in negotiations. Kramer, p. 231. This study tries to offer the qualitative research and "thick" descriptions of conflicts and negotiations that he considers "essential if we are to develop deeper and more nuanced understandings of these important phenomena." *Ibid.*

211. See Interview with "H," pp. 13-15.

212. *Ibid.*, pp. 14-15.

213. *Ibid.*, p. 15. U.S. convoys regularly traveled through this town on its own major through-street. The sheik never threatened or suggested this, but Captain "H" suggested the possibility that the sheik was running guns or bombs through the town.

[I]n the back of our minds at every negotiation, whether it was with the sheik, the power company, or going into

these houses during raids, you always wonder what side they're on, you know? You always wonder what side they're on. . . . it's not like labor negotiations or something where you know the person's on the [other] side. . . . But in these negotiations, you never knew if they were good or bad . . . . [Y]ou didn't know if they really wanted me dead or if they really cared about me and wanted Iraq to be free and prosper. . . .

*Ibid.*, p. 37.

214. See, e.g., Interview with "I."

215. See Kopelman and Olekalns, p. 378, citing Kathleen L. Valley *et al.*, "Friends, Lovers, Colleagues, Strangers: The Effects of Relationships on the Process and Outcome of Dyadic Negotiations," Robert J. Bies, Roy J. Lewicki, and Blair H. Sheppard, eds., *Research on Negotiation in Organizations*, Greenwich, CT: Jai Press, 1995, p. 5.

216. See, e.g., Interview with "E," pp. 6-7.

217. See Interview with "F," p. 38, suggesting that the U.S. Army often does not push the envelope enough when it should, because it stresses the importance of being culturally aware, sensitive, and respectful. (He suggested it should sometimes say, "Bullshit is bullshit, no matter where you're at.")

218. Interview with "M," U.S. Army, at Fort Irwin, California, March 2, 2006.

219. *Ibid.* See also training materials on file with Captain Jonathan Velishka, NTC, Fort Irwin, California.

220. See Mnookin, *Beyond Winning*, pp. 28-34, arguing that good preparation consists of identifying issues and thinking about interests, contemplating potential opportunities for "value creation," knowing and improving one's alternatives, and establishing ambitious but realistic goals. The NTC's lead negotiation trainer believes that the negotiation preparation he teaches decreases the need to be heavy-handed or forceful. "[Y]ou can have a guy that goes in, is real smooth and understands the IOP [integrated operational picture], and understands what he can offer, and you have a very successful hour or 30 minutes. Or he goes in too heavy-handed, hasn't thought through his outcome, and is demanding information on who is planning an IED, and that's a different outcome." Interview with "M," p. 20. However,

as discussed elsewhere, preparation alone does not accomplish this.

221. See, e.g., Paul W. Meerts, "Training of Negotiators," Kremenyuk, ed., *International Negotiations*, p. 455.

222. See Leigh Thompson, *et al.*, "Avoiding Missed Opportunities in Managerial Life: Analogical Training More Powerful Than Individual Case Training," *Organizational Behavior and Human Decision Processes*, Vol. 82(I), 2000, pp. 60-75.

223. This proposed training program draws heavily on the agenda for negotiation training programs conducted by the Program on Negotiation at Harvard Law School, which conducts numerous negotiation training courses, one of which is a 5-day course for professionals. The author particularly thanks Robert C. Bordone, Deputy Director of the Harvard Negotiation Research Project and Thaddeus R. Beal Assistant Clinical Professor of Law, Harvard Law School for his assistance.

224. For an overview of these biases and their relevance to international negotiations, see Christer Jönsson, "Cognitive Theory," Kremenyuk, ed., *International Negotiation*, p. 270. For discussion of how perceptions shape negotiators' behavior and psychological, cultural and emotional forces can distort decisionmaking, see Zartman and Rubin, "Symmetry and Asymmetry," pp. 271-290; Mnookin, *Beyond Winning*, pp. 156-172. Sebenius and Avruch both discuss these biases in the context of international, cross-cultural negotiations. See Sebenius, *Caveats*; Avruch.

225. See Rubinstein, p. 35.

226. "Ethnocentrism can be a barrier. Must shed it to be effective." Interview with "I," p. 16. See also Avruch, p. 406.

227. Appendix E of the U.S. Army's Field Manual for Stability and Support Operations provides a framework for preparing for and conducting negotiations that affirms the recommendations contained in this monograph, including the need to focus on underlying interests. See SASO Field Manual, pp. E-0 to E-5. This doctrinal document instructs soldiers preparing to negotiate to focus on the interests of the parties and the relationships involved, to consider alternative approaches to the negotiation, to prevent incidents that destroy dialogue, and to be attuned to cultural differences. It provides an eight-step procedure to follow when negotiating that mirrors fundamental principles of



negotiation literature discussed and recommended in this paper. See *ibid.* This appendix should be disseminated more broadly and utilized as a resource by officers and NCO's preparing to deploy to Iraq. The principles and procedures it recommends should also be integrated into predeployment negotiation training, and all NTC and other CTC trainers should read and understand its recommendations.

228. Compare Interviews with "G," "M," with Interviews with "E," "D," and "F."

229. See, e.g., Interview with "G," p. 23; See also 2004 CALL Report, p. ii.

230. See Binnendijk and Johnson, p. 88. For instance, in the late 1990s, the Army considered two divisions to be no longer combat ready because they had been deployed to peace operations in the Balkans, yet this ignored the skills and experience that such units developed during those missions—the very skills and experience that would have been valuable for all U.S. forces in Iraq in 2003 to the present. See *ibid.*

231. See, e.g., Douglas V. Johnson II, ed., *Warriors in Peace Operations*; Mockaitis, *Civil-Military Cooperation in Peace Operations*; Symposium Report.

232. See SASO Field Manual, Appendix E; Section B: Negotiation and Mediation, *Joint Task Force Commander's Handbook for Peace Operations*, IV-15, June 16, 1997. The U.S. Army War College's Peacekeeping and Stability Operations Institute (PKSOI) is the Army's "center of excellence at mastering peace, stability, and reconstruction operations at the strategic and operational levels." It recognizes the important role that negotiations play in SSTR operations. See [www.carlisle.army.mil/usacsl/divisions/pksoi/politicalNeg.aspx](http://www.carlisle.army.mil/usacsl/divisions/pksoi/politicalNeg.aspx). The PKSOI recently promoted on its website a newly released manual published by the United Nations Office for the Coordination of Humanitarian Affairs. See [www.carlisle.army.mil/usacsl/divisions/pksoi/index](http://www.carlisle.army.mil/usacsl/divisions/pksoi/index) linking to Gerard McHugh and Manuel Bessler, *Humanitarian Negotiations with Armed Groups: A Manual for Practitioners*, New York: United Nations, January 2006, at [ochaonline.un.org/humanitariannegotiations/index.html](http://ochaonline.un.org/humanitariannegotiations/index.html).

233. The Army War College requires a 2-day negotiation course for all of its students and offers a 30-credit graduate level negotiation course that is highly subscribed and popular among the officers attending the Army War College. See Telephone

Interview with Professor James McCallum, U.S. Army War College, Carlisle Barracks, November 22, 2005. The Civil Affairs course at Ft. Bragg, North Carolina, includes a negotiation module for officers specializing in civil affairs. The Foreign Service Institute offers a 1-week negotiation course. Other graduate schools and career courses offered by the military education system may offer some negotiation education as part of their curriculum. Finally, a small group of select officers attend civilian professional graduate schools in which they may take a negotiation course. This negotiation education is distinct from training, however, which prepares officers more specifically to execute missions. Nor is negotiation included in mission-specific training except to the extent that the combat training centers and individual units have integrated it into their predeployment training. The schools described above are generally for captains and above who have already finished commanding a company. Most lower-level officers including platoon and company commanders are, therefore, not armed with negotiation education or substantial formal training before they find themselves having to negotiate in tense and complex situations like the ones they face in Iraq.

234. See SASO Field Manual, p. E-5; Binnendijk and Johnson, p. 88, criticizing the U.S. military's training for continuing to focus exclusively on the warfighting mission, which leaves little time to acquire negotiation skills for the SSTR-like missions that follow.

235. This negotiation training is detailed below.

236. See author's notes from Command Briefing. "Kinetic" refers to lethal or potentially lethal operations involving live fire and application of force. "Nonkinetic" refers to nonlethal operations.

237. The author visited the NTC between February 27, 2006, and March 2, 2006, and observed the 3d Stryker Brigade Combat Team, 2d Infantry Division from Fort Lewis, Washington, during the last few days of its 2-week live exercise. The unit deployed to Iraq (for the second time) in the summer of 2006.

238. The training curriculum at the NTC was designed by the NTC's lead negotiation trainer using negotiation training material developed originally by the JRTC in cooperation with subject matter experts and combining it with his personal experience in Iraq, as well as cultural expertise provided by the Defense Language Institute. It was described by Captain Jonathan Velishka, U.S. Army, NTC, Fort Irwin, California.

239. For example, a common tension faced by U.S. military negotiators is the frequent conflict between the immediate objectives or task and the long-term objective of cultivating and maintaining positive, productive working relationships with Iraqi counterparts which are necessary to accomplish the U.S. military's long-term mission objectives.

240. Blank Leader Preparation Sheet, courtesy of Captain Jonathan Velishka, lead cultural awareness and negotiation trainer, U.S. Army NTC, Fort Irwin, California. The sheet is on file.

241. It is a central emphasis of the training that to be effective at negotiating both particular issues and over the long term, the U.S. military officers and their soldiers cannot rely on basic cultural awareness – the do's and don't's – but must understand intimately their area of operations. It is, as the NTC's lead negotiation trainer said, "all about homework." Interview with "M," p. 20.

242. Blank Leader Preparation Sheet.

243. See Interview with "M," pp. 13-14, 15.

244. *Ibid.*, p. 24.

245. *Ibid.*, pp. 30-32.

## ABOUT THE AUTHOR

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