



THE ART OF NEGOTIATION

The applicability of negotiation in military training will allow to train armed men in different procedures and skills to achieve successful results before arriving to a conflict.

By Julián Ernesto Scasso Losa

IMPORTANCE

Negotiation is a permanent activity that is inherent to the human being and is a means to get his interests.

However, human history has been full of irrational violence in which the use and management of negotiation was not frequent.

Negotiation is one of the most used alternative dispute resolution methods¹ to solve a problem in a peaceful way and, also, to reach interests or purposes in an efficient manner as nobody negotiates to lose or resign interests but because they seek them in the best and least expensive manner.

As the exercise of violence is closely related to the ultimate purpose of the mission of the military instrument, it is possible to make the mistake to think that “armed men” cannot negotiate or, rather, that they can only do this in the framework of a peacekeeping operation under a mandate of the United Nations Organization or similar organizations.

The idea that negotiating implies some loss of authority as it is necessary to give or make concessions to an opposing actor, whether internal or external, plus the idea that negotiation may be confronted with discipline, are evidence for said mistake.

The concept that “military men do not negotiate” is derived from the scarce knowledge that there is in the military environment about this discipline. This is why the purpose of this article is to give some elements to how that negotiation is present in the military profession.

Negotiation is another tool to solve conflicts. We are permanently negotiating, for example, when selling or buying goods, when trying to solve a family or work conflict, when

1. Alternative dispute resolution methods are pre-judicial mechanisms, whether formal or informal, that parties have to resolve a conflict in a peaceful way. Some of them are negotiation, mediation, arbitration and settlement.

exchanging opinions with a fellow on how to carry out a certain activity or when coordinating and carrying out activities with agencies outside the Armed Forces.

The secret to be successful in some critical situations is how to and when to negotiate.

A TOOL FOR MILITARY APPLICATION

One of the first questions that arise when getting into the study of this discipline is whether negotiation is a tool for military application and whether it may be used during the development of missions appointed to the Military Instrument of the Nation.

The answer is clearly yes. It is enough to read publications specialized in the military problem to discover how the main powers involved in the conflicts of Iraq and Afghanistan have suffered serious consequences as they did not properly train their troops in this discipline since the beginning of both conflicts.

Some studies carried out by the Department of Defense of the United States in light of these events have concluded that:

The American military's mission in Iraq requires a set of skills and outcomes that are very different than the traditional war fighting 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 urgency².

If a soldier does not know how to use a gun in the battlefield, he will be a dead man.

If only one inexperienced peacekeeper isolated in a remote control post does not know how to negotiate, he can risk a complete peace operation and there will be many dead men.

Department of Peacekeeping Operation

The previous statements led the US Armed Forces to implement several training courses in negotiation not only before deployment in Theaters of Operations, but also at military training and specialization institutes. Some examples of this are the research and training programs at the West Point Military Academy that belongs to the Army or the Air Force Negotiation Center of Excellence.

It is fair to mention that the Armed Forces from the United Kingdom and Canada have recognized this problem and adopted similar measures.

Moreover, it is important to remember that both in Iraq and Afghanistan, there are not only combat operations against the rebels, but there are also operations for stabilization, security, transition and reconstruction



which, in general, are similar to a multi-dimensional peacekeeping operation of the United Nations³.

At this point, it is useful to point out one of the main experiences obtained during the development of this type of operations in Iraq which highlight the importance of this activity:

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 worth⁴.

THE MISSION OF THE ARMED FORCES AND NEGOTIATION

The participation of our Armed Forces in Peacekeeping Operations strengthens the idea that Argentine military men must know the current methods and techniques for negotiation as this will contribute to improve their professional performance in this type of operations.

However, a detailed analysis of the mission imposed to the Military Instrument will provide with more solid grounds for this statement.

The Guidelines for the Organization and Functions of the Armed Forces establish that the Military Instrument of the Argentine Republic will have the mission *to join forces and repel any state military external aggression in order to guarantee and save in a permanent way vital interests of the Nation, which are sovereignty, independence and self-determination, territorial integration and the life and freedom of its inhabitants*, it may also take part in:

- › *United Nations multilateral operations*
- › *Interior security operations as established in Interior Security Law No. 24059*
- › *Operations to support the national community or friendly countries*
- › *The building of a Sub regional Defense System*

As it can be observed, missions expressed do not consider the use of the Armed Forces in international contexts such

2. Tressler, David, "Negotiation in the new strategic environment: Lesson from Irak"; Strategic Studies Institute (SSI), US Army, Carlisle, Pennsylvania; 2007; p. V

3. "Basic Material for Pre-Deployment Training"; Unit 1- Part 1; DPKO; UNO, New York; 2009; p. 30. "Throughout the years, peace keeping has evolved from the model that was primarily a traditional military model for observation of ceasefire and force separation after a war among states to a complex multi-dimensional model whose organization generally implies the participation of military, police and civil components, the latter being the gravity center of the mission".

4. Tressler, David; op. cit. p. VII

5. Joint Staff of the Armed Forces; Glosario de Términos de Empleo Militar para la Acción Militar Conjunta [Glossary of Military Terms for Joint Military Action]; PC- 00- 02; Buenos Aires, 2010; p. 20. "Group of conditions and characteristics that exist in a permanent and semi-permanent way in a region. These are part of the operational environment: influence of national politics; geographical environment; composition and skills of enemy forces; characteristics of the fight; weapons systems that may be used and the framework for military conduction".

6. Tressler, David; op. cit. p. VII

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as Iraq or Afghanistan. When making a detailed analysis of complementary missions, we can conclude that possible scenarios in which members of the Forces will perform their responsibilities will be complex and critical.

In this sense, said scenarios could have all or some of the following characteristics:

- › Execution of a broad series of operations that range from basic tactics to those related with Civic- Military Cooperation and which may take place in the nation and in other countries of the region or outside the region (for example: Haiti).
- › Complex operational environments⁵ in permanent evolution and urbanized except for large "empty spaces" (for example: Patagonia, Puna).
- › Participation of multiple actors, both military and civilian, whether national or foreign and, in some cases, international agencies (for example: International Committee of the Red Cross).
- › Massive participation of civil population as:
 - › Part of the conflict
 - › Victim of the conflict
 - › Affected by natural disasters
- › Protection of civil population by means of efforts to protect it from the aftermath of the armed conflict or natural disasters.
- › Minor actions with participation of military personnel which may have strategic consequences.

When considering the characteristics mentioned for the possible scenarios and the relevance of missions appointed to the Argentine Military Instrument, it is easy to imagine countless conflict situations in which violence will be the last resource to be used and the least beneficial.

In this context, it will be possible to appreciate the capacity of troops to solve critical situations and, as it has happened in Iraq, during operations carried out by American Forces, negotiation will *have tactical importance, operational significance and strategic implications*⁶.

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HOW AND WHEN TO NEGOTIATE

As introduction to the art of negotiation, some concepts will be developed as regards this discipline for the purpose of modifying those that allow to integrate negotiation with military activity.

First, before getting to know how and when to negotiate, it is necessary to adopt a negotiation method that guides actions to be followed and provides with strategies and techniques necessary to plan, solve and exploit in an efficient manner critical situations in complex scenarios.

The method that is currently used in several areas in which conflict is permanent and which best adapts to military activity due to its characteristics is the method called situational negotiation.

This method, based on the principle of collaborative negotiation, establishes that the negotiator may use different strategies during the process taking into account the characteristics of the situation to be solved and that the critical point of the process focuses on:

- a. The relation with the other negotiator
- b. The elements of the context
- c. The level of opposition of the interests at stake

The method gives flexibility and freedom of action during the whole process allowing to correct its way in case it is not possible to advance or in case of regression.

NEGOTIATION STRATEGIES

These are different modes that a negotiator will adopt when confronted with his counterpart. The purposes may be:

- 1. To influence his counterpart and reach the goals set for negotiation
- 2. Delay it
- 3. Reject it

His selection must always be driven by the purpose to be preserved or achieved. These strategies vary basically depending on two menacing factors: the importance of the purpose to be kept or achieved and the value given to the relationship with the counterpart, whether the counterpart is a person, institution or country.

The method implies the use of five different negotiation strategies: competitive, collaborating, accommodating, avoidance and compromising (graphic No. 1).

It is worth mentioning that negotiation strategies must be planned and cannot be used in an arbitrary and intuitive manner. In order to determine them, we will have to take into consideration the following factors:

- a. The critical situation
- b. The personality of the opposing negotiator
- c. The cultural context in which the process is developed
- d. Time available
- e. What alternatives to negotiation exist which may allow to reach the purposes set if they decide not to negotiate

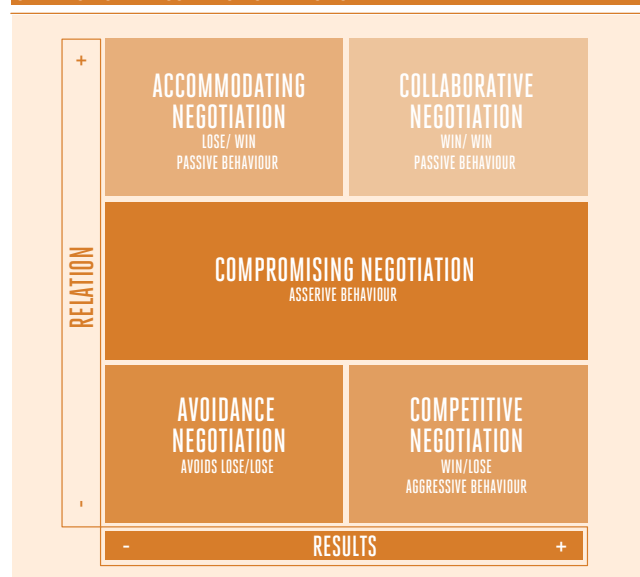
The latter item is essential as it will determine how flexible the strategy to be followed may be because in case the alternative to negotiation allows to reach the purposes set, it may be decided not to relinquish anything or, directly, not to negotiate. On the other hand, if this alternative to the agreement is weak, it may be necessary to consider what aspects to relinquish during negotiation.

Competitive negotiation

The negotiator will give preference to the result of the negotiation rather than to the relation. Therefore, techniques used will seek to achieve the purpose set before the other party does that. This style may be characterized as aggressive and anticipatory.

This form of negotiation is used in situations in which the item or value in dispute or, also, the purpose cannot be

GRAPHIC NO. 1. NEGOTIATION STRATEGIES



Source: Ponti, Franc; Los caminos de la negociación; Ediciones Gráficas S.A.; Barcelona; 2005, p. 118.

divided or is not imperative. This is the main form used by those who negotiate a zero-sum mind (win/lose).

Collaborative negotiation

In this type of negotiation, the one that struggles to defend his interests is aware of the fact that in order to achieve his goals and keep a very good relation with the opposing party, it is important for both parties to win.

This strategy, in many occasions, allows to get a favourable result of greater proportions than the one set at the beginning due to the fact that when keeping an excellent relation with the other negotiator, it may be possible to deal with topics that were not included in the initial agenda. This is called “to expand the pie”.

In this process, there is a variable sum mind which is known, in the conflict jargon, as win/win and allows to make concessions for the purpose of reaching the purpose set.

Compromising negotiation

In some occasions, when negotiators do not have enough time or the proper resources to develop the negotiation process, they may reach an agreement that allows them to reach their purposes, whether totally or partially, without the need to negotiate deeply. This action is the characteristic of the compromising negotiation style which must not be confused with collaborative negotiation as it is not based on the good relation among parties, but it focuses on reaching an agreement that is as fair and rapid as possible.

A valid example of this is the appointment of responsibilities among representatives of different agencies in case of emergency, such as fire or explosion, in which the priority is to mitigate the disaster rather than individual will or professional ego.

Accommodating negotiation

When the relation with the opposing party is more important than the result of the negotiation in itself, the person taking part in it may sacrifice, totally or partially, his personal interests in order to benefit his opposing party (lose/win).

This style may also be used within the framework of speculative negotiation as it will aim at relinquishing something today in order to get a greater benefit in the near future.

This style is generally adopted when interests or purposes to be negotiated in the near future are more important than those at stake at that moment.

Avoidance negotiation

This will be used when there is no real intention to negotiate or when doing so is not profitable for our own interests.

This style implies rejecting negotiation in a calculated and methodic manner but it will be necessary to take into account that this may affect the relation with the other party, even more when interests in dispute are of great importance for the other party.

Moreover, they may reject to negotiate when said process is considered to worsen the existing conflict in which both parties would see the integrity of their interests affected (to avoid lose/lose) and when the parties consider they will be in a better position to face this process in the near future.

CONCLUSIONS

The battlefield that is the main feature of the last decade armed conflicts is a highly complex and volatile setting that is permanently changing. This change and the need to properly exploit the result of tactical actions require military men to dominate some skills that do not have a strictly military feature and negotiation is one of them.

In this situation, missions appointed to the Argentine Military Instrument will also develop in settings of similar complexity as the characteristics of said missions will face us with a great variety of actors and, therefore, a great number of problems that will mostly require non-violent solutions.

In light of this reality, it is necessary for men and women of the Armed Forces to have pertinent tools and training to reach success.

Accordingly, we can conclude that teaching this discipline should be important in military training and contents should be adapted to the different stages of the process depending on the needs of each position.

Considering its teaching in the curricula, apart from having criteria and good judgment, will allow to professionally solve critical situations with proper specific knowledge. And this is something that we, as war professionals, should be prepared to do.

> REFEREED ARTICLE

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