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SPOTLIGHT ON LEADERSHIP LESSONS FROM THE MILITARY

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Extreme Negotiations

by Jeff Weiss, Aram Donigian, and Jonathan Hughes

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Extreme Negotiations

Idea in Brief

Business leaders today report feeling that they must constantly negotiate to extract complex agreements from people with power over industries or individual careers. Sensing that they're in continual danger makes them want to act fast, project control (even when they don't have any), rely on coercion, and defuse tension at any cost.

The end result may be a compromise that fails to address the real problem or opportunity, increased resistance from the other side that makes agreement impossible, resentment that sours future negotiations, a failure to develop relationships based on mutual respect and trust, or an agreement that creates enormous exposure to future risk.

To avoid these dangers, executives can apply the same strategies used by well-trained military officers in hot spots like Afghanistan and Iraq. Those *in extremis* negotiators solicit others' points of view, propose multiple solutions and invite their counterparts to critique them, use facts and principles of fairness to persuade the other side, systematically build trust and commitments over time, and take steps to reshape the negotiation process as well as the outcome.

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It's often not easy to "get to yes," particularly given the pace of business and the structure of organizations today. CEOs and other senior executives are under extreme time pressure, managing complex, high-stakes conversations across functional areas and divisions, with alliance partners and critical suppliers, and with customers and regulators. Many report feeling that they are constantly in negotiation mode—trying to gain approval for deals in which hundreds of millions (and sometimes billions) of dollars are at stake, in the shortest possible time frames, from people who may hold the company's (and even the leader's own) future in their hands. To these executives, negotiation isn't just about transactions anymore; it's about adapting to rapidly changing information and circumstances.

U.S. military officers around the globe confront this sort of challenge every day—patrolling in hot spots like Afghanistan and Iraq, attempting to persuade wary local leaders to share valuable information while simultaneously trying to distinguish friend from foe, balancing the need to protect their troops with the need to build indigenous support for America's regional and global interests.

The business and military contexts are quite different, but leaders in both face negotiations in which the traps are many and good advice is scarce. We call these "dangerous negotiations"—meaning not that they are necessarily aimed at solving an immediate life-and-death crisis but that the stakes involved put intense pressure on a leader.

Clearly, the danger for a business leader who is trying to reach an agreement with a single-source supplier, close a multibillion-dollar deal with a target company before its stock dives any further, or renegotiate prices with a dissatisfied customer differs from that for a soldier negotiating with villagers for intelligence on the source of rocket attacks. But the perception of danger prompts business and military leaders to resort to the same kinds of behavior. Both commonly feel pressure to make rapid progress, project strength and control (especially when they have neither), rely on coer-

cion rather than collaboration, trade resources for cooperation rather than get genuine buy-in, and offer unilateral concessions to mitigate possible threats.

U.S. military officers serving in Afghanistan have found themselves trying to hold these pressures at bay while engaging, often daily, in dangerous negotiations. Over the past six years or so, we've studied how they resolve conflict and influence others in situations where the levels of risk and uncertainty are off the charts. We find that the most skilled among them rely on five highly effective strategies: (1) understand the big picture, (2) uncover hidden agendas and collaborate with the other side, (3) get genuine buy-in, (4) build relationships that are based on trust rather than fear, and (5) pay attention to process as well as desired outcomes. These strategies, used in combination, are characteristic of effective *in extremis* negotiators, to adapt a term from Colonel Thomas Kolditz, a professor at the U.S. Military Academy at West Point and the author of *In Extremis Leadership.*

Negotiation behaviors tend to be deeply ingrained and are often reactive rather than deliberate, especially in dangerous situations. These five strategies can help business negotiators not only to respond quickly at the bargaining table but also to reshape their thinking *ahead* of the deal. Let's take a closer look at each of them and how they've been implemented by officers in Afghanistan.

Strategy 1: Get the Big Picture

Start by soliciting the other person's or group's point of view. Use what you learn to shape the objectives of the negotiation and to determine how you'll achieve them.

Negotiators in dangerous situations try to act fast to reduce the perceived level of threat. They often dive into discussions before they've fully assessed the situation, reacting to assumptions and gut feelings—and they tend not to test or revisit those assumptions. So business and military leaders alike end up negotiating on the basis of incomplete or incorrect information—which often leads to conflict, impasse, or a solution that addresses only part of the problem or opportunity. But in fact they usually have more time than they realize to talk, consider, and respond.

When Taliban fighters set fire to an Afghan supply truck less than two miles from his combat outpost, Sergeant First Class Michael Himmel (his and all other officers' names have been changed, as have the locations in which the incidents described in this article occurred) knew that an immediate response was required. But all U.S. units were on patrol, so he decided this was a good opportunity for the Afghan National Police to handle a crisis situation on their own. (Himmel's platoon had been training and patrolling with the ANP for six months.) The ANP chief, a 55-year-old local man with 30 years of police experience, immediately pushed back. He tried to express his concern about performing a solo mission and requested support. "My men are inadequately prepared," he said—indirectly blaming Himmel for this state of affairs. The sergeant, who was locked into the assumptions he'd made about the chief and his team, ignored the request and insisted that all they lacked was "courage and a commitment to hard work." The chief of course felt disrespected. Eventually he sent a poorly equipped team to investigate the fire. Not surprisingly, the men came back with little information.

First Lieutenant Daniel Dubay handled a similar negotiation much differently. While on patrol near the village of Azrow, Dubay's platoon came under attack from two buildings about 200 yards away. After 45 minutes of fighting, the anticoalition forces disappeared into nearby *qalats* (fortified shelters). The platoon went into assessment mode, checking for injuries among the citizens. Dubay and a squad moved to the building that most of the shots had come from. They discovered 25 women and children huddled in a small room. Without entering the room, Dubay explained through an interpreter that his platoon had just been fired on and he was looking for information that might help identify the insurgents who had been in the compound.

"There are no bad guys here—no one was firing at you," one woman barked, her voice shaking a bit.

Dubay needed information fast. He could have obeyed his instincts and started making harsh demands. But he recognized the women's fear—and his own—and decided to slow things down, test his assumption that the women were collaborating with the enemy, and change his approach to getting the intelligence he needed.

He took off his dark glasses, slung his weapon onto his back, and knelt just outside

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Implementing Strategy

1: Get the Big Picture

Avoid

Assuming you have all the facts: "Look, it's obvious that...."

Assuming the other side is biased—but you're not

Assuming the other side's motivations and intentions are obvious—and probably nefarious

Instead

Be curious: "Help me understand how you see the situation."

Be humble: "What do I have wrong?"

Be open-minded: "Is there another way to explain this?"

2: Uncover and Collaborate

Avoid

Making open-ended offers: "What do you want?"

Making unilateral offers: "I'd be willing to...."

Simply agreeing to (or refusing) the other side's demands

Instead

Ask "Why is that important to you?"

Propose solutions for critique: "Here's a possibility—what might be wrong with it?"

3: Elicit Genuine Buy-In

Avoid

Threats: "You'd better agree, or else...."

Arbitrariness: "I want it because I want it."

Close-mindedness: "Under no circumstances will I agree to—or even consider—that proposal."

Instead

Appeal to fairness: "What *should* we do?"

Appeal to logic and legitimacy: "I think this makes sense, because...."

Consider constituent perspectives: "How can each of us explain this agreement to colleagues?"

4: Build Trust First

Avoid

Trying to "buy" a good relationship

Offering concessions to repair breaches of trust, whether actual or only perceived

Instead

Explore how a breakdown in trust may have occurred and how to remedy it.

Make concessions only if they are a legitimate way to compensate for losses owing to your nonperformance or broken commitments.

Treat counterparts with respect, and act in ways that will command theirs.

5: Focus on Process

Avoid

Acting without gauging how your actions will be perceived and what the response will be

Ignoring the consequences of a given action for future as well as current negotiations

Instead

Talk not just about the issues but about the negotiation process: "We seem to be at an impasse; perhaps we should spend some more time exploring our respective objectives and constraints."

Slow down the pace: "I'm not ready to agree, but I'd prefer not to walk away either. I think this warrants further exploration."

Issue warnings without making threats: "Unless you're willing to work with me toward a mutually acceptable outcome, I can't afford to spend more time negotiating."

the room. He reassured the women that their homes were now secured by both Afghan and American forces and said he just wanted to understand why they were all clustered in this one room. Over the next 15 or 20 minutes he talked softly, acknowledging their fright at being caught in the middle of a firefight. Finally, one woman came forward and spoke about the men who had herded them all into this room and then taken up positions. Dubay thanked her. Another woman spoke up. The men were not Afghan, she said; they looked like foreign fighters. Three or four other women offered more details.

Dubay took notes and amended his objective: He would not only gather the information he needed about this particular situation but also develop an ongoing relationship with these women to get information in the future. He gave them a card providing the phone number of the district center; promised to check in on them two days later, when his platoon would be on patrol in that village again; and asked that they share information with him as they discovered it. He established mutual respect with the people of Azrow—a relationship that paid off in the months that followed.

Strategy 2: Uncover and Collaborate

Learn the other party's motivations and concerns. Propose multiple solutions and invite your counterparts to improve on them.

As well as pressuring people to act fast, a threatening situation makes them want to look strong and more in control than they probably are. In this state of mind, negotiators tend to stake out extreme positions and make aggressive demands. Unfortunately, that almost always triggers or exacerbates resistance from the other side. Discussions become contentious and inefficient, and both parties run the risk of a stalemate.

Captain Chris Caldwell received intelligence that the soldiers in his company had inflicted casualties on the enemy. He knew there was only one Afghan medical center in the area equipped to treat the wounded. Seeking to assert his company's control in the region, Caldwell went to the center to interview a doctor who was known to be a Taliban sympathizer. After being denied permission to enter, Caldwell forced his way into the facility, found evidence that the enemy combatants were being treated, and detained the doctor for questioning.

When they heard about Caldwell's actions, the village elders paid an angry visit to the captain. He defended himself, stating that he would respond differently in the future only if the locals began working with, not against, his troops. The elders argued in turn that the villagers would cooperate only when they were given an incentive—that is, when they were shown respect. One such sign, they said, would be a big boost in reconstruction dollars. Caldwell told them that if they wanted anything from him, they would have to give him information about the wounded people at the clinic. This enraged the elders, and the negotiation spiraled out of control.

The skilled *in extremis* negotiator focuses on turning negotiation into side-by-side problem solving rather than a test of wills. Captain Andrew Williams, an artillery battery commander in Ghazni, received a report that his soldiers had seen an improvised explosive device being placed along a roadside. He instructed them not to use force but to monitor the site and identify the men who were planting IEDs. (His team would eventually remove and detonate the devices in a controlled environment.) Once he had this information in hand, Williams went to the village where the men lived, gathered the elders, and told them he wanted IED placements in the area to stop. The elders said that as long as they received money in return, they would make sure the villagers complied.

Given the time and safety pressures he was feeling, Williams was tempted to ask, "How much?" Instead he asked, "Why?" He explained that he couldn't offer the elders anything unless he understood what they were trying to achieve. Eventually they told him they would need to pay for information about who was responsible for planting IEDs—and money was obviously in short supply. They also wanted to give some of the money to the village, to preserve their status and prove that they weren't just informants.

Williams made a reasoned counteroffer: His men would do the work of identifying the culprits, and the elders would be responsible for taking them to the nearest American combat outpost. Seeking to draw the elders out and engage them as partners, he asked, "What would be wrong with this idea?"

Surprisingly, the elders liked the plan but expressed concern that the captured men were not extremists, just short on cash and trying to support their families. Williams said that if the elders took the men to the combat outpost and let the Americans enter their names into a database, then they could take the men back to the village. He added that this would help them build prestige with the villagers, because they'd be handling the situation themselves. The elders agreed. Two days later they arrived with the wanted men, whose names were entered into the database. The men were warned about future actions and allowed to return to the village and their families.

Before long, record numbers of weapons caches were being turned in, and locals were warning soldiers on patrol about IEDs that lay ahead and voluntarily reporting information on mortar launch sites.

Strategy 3: Elicit Genuine Buy-In

Use facts and the principles of fairness, rather than brute force, to persuade others. Arm them with ways to defend their decisions to their critics, and create useful precedents for future negotiations.

Danger often tempts negotiators to play hardball, using coercion to make deals. That typically engenders resentment and leads to future conflict, making follow-on negotiations much more difficult. Of course, a hostile takeover isn't quite the same as an armed standoff. But the terms presented can be similarly stark or shocking.

Captain Kyle Lauers's first mission in Afghanistan was simple on its face: Capture or kill Wahid Salat, a Taliban leader who was staying in a nearby village. But he felt tremendous pressure to get his 130 soldiers in and out safely. The main challenge would be negotiating with the local police chief and the village elder for help in securing the building where Salat was staying. When Lauers asked the police chief to apprehend Salat, the chief flatly refused.

"We need to move now," Lauers told the chief. "If you won't help, I can't be responsible for what happens." The chief said nothing. Lauers ordered his platoon to cordon off the building. As shots rang out, he spotted the village elder approaching from across the street, clearly angry and confused. The elder began to shout at Lauers just as the platoon leader reported over the radio that the suspect and three bodyguards had been killed. The elder demanded to know why Lauers's company had

entered the village and started shooting without any ANP support or discussions with the elder. Lauers explained that the police chief had refused to cooperate. The elder immediately turned the blame back on Lauers and demanded money for damages. Lauers replied that since the Taliban were responsible for the damages, the elder could get reparation from *them.* He then left to check on his men.

Over the next 11 months this village continued to be a problem for Lauers's company. Regular mortar attacks were staged from the vicinity. Whenever officers wanted information from anyone in the village, they had to pay in either money or supplies—and even then they were often given the wrong names, places, or dates. Threats and force have their place, especially in certain military situations. In this case, however, Lauers's negotiation strategy compromised both his near and his long-term objectives.

The effective *in extremis* negotiator recognizes that his objectives will almost always be better achieved if he elicits true buy-in rather than grudging compliance from the other side. Upon his arrival in Afghanistan, Captain John Chang found that his company's Afghan National Army counterparts were regularly using threats, especially in dangerous or high-stakes contexts, to change the local population's behavior. Chang knew enough about both Afghan culture and the Koran to understand the value the locals put on respectful treatment. He decided that if he could change the way his soldiers interacted with the ANA, he could affect how the ANA worked with the villagers. He invited ANA soldiers to move into the Americans' combat outpost. The two units began to eat, train, plan, patrol, and relax together, resulting in a true partnership. Within a month the ANA was serving as an advocate for the U.S.-led mission, explaining to village elders that the Americans were guests in their country—operating to help people at the request of the Afghan government—and reminding them of the cultural importance of hospitality in Afghanistan.

When violence later erupted in the area, a precedent had been set. Rather than make threats, Captain Chang and his ANA counterpart solicited recommendations from the village elders about how to provide better security in the valley and asked what justifications the elders would need to defend any pacts the U.S. and ANA forces made. The elders voiced their objections to coalition forces' searching homes, detaining people in the middle of the night, and randomly stopping and searching vehicles. They talked about being afraid to hunt or to let livestock graze in the mountains, where U.S. forces were shooting artillery. Any negotiated agreement about reducing the violence, they advised, would have to show respect for personal liberties and local laws. Most important, it should look like an ANA—not a U.S.—solution. Chang and his ANA counterpart crafted an agreement that the elders could defend to the populace, and Taliban recruitment in the area dropped significantly.

Strategy 4: Build Trust First

Deal with relationship issues head-on. Make incremental commitments to encourage trust and cooperation.

When stakes and risks are at their highest, business and military leaders are often tempted to take the quick and easy path of trading resources for help. After all, a dangerous situation doesn't provide the time to develop a good working relationship or to fix whatever stands in the way of one. But making substantive concessions almost always invites extortion and breeds disrespect or outright contempt.

Military officers frequently fall prey to the concession trap. Farrukh, an Afghan, had opened a girls' school outside Baraki and was continually harassed by local Taliban leaders. Intelligence officers discovered that a known insurgent had made a call to Farrukh's cell phone. They seized the phone and found that Farrukh had received calls from several other Taliban leaders. They arrested him, and Farrukh served 12 months in a detention center, waiting for a hearing. Eventually he got his time in court and was found not guilty. But in the meantime, his school had been closed, his reputation had been severely damaged, and he had suffered considerable physical hardship. He had to be compensated.

The Army officer in charge offered a sum of money for lost wages. Farrukh wanted more: an explanation for his arrest and detention, and procedures that could be put in place to avoid such misunderstandings in the future. The officer simply threw in an additional sum for his pain and suffering and sent him on his way, barely offering an apology. Farrukh—who

was a leader in his village and had a long history of working with Western peacekeeping forces—left with $12,000 in his pocket, but he vowed never to trust an American again. Worse yet, as he told his story to others, their distrust grew, making it difficult for U.S. officers to get any sort of useful intelligence or active cooperation from the villagers.

Skilled *in extremis* negotiators never make arbitrary concessions in an effort to buy goodwill. Instead they build trust over time through incremental and reciprocal commitments. Captain Aaron Davis was deployed to Khost Province with orders to settle "quickly and finally" several long-standing disputes with local leaders. Within a week of his arrival Davis headed out to a village where a man named Haji Said Ullah owned what had once been a lucrative gas station. Ullah's business had all but dried up two years earlier, when U.S. forces closed a road to secure a newly built airfield, preventing people from getting to his pump. For two years, various Army officers had promised Ullah both compensation and aid in finding his brother, who he suspected had been kidnapped by Taliban forces. None of their promises had been kept. No wonder, then, that Ullah greeted Davis with disdain—and a demand for more money. Davis resisted the temptation to throw cash at the problem; this was, at its core, a relationship issue.

Davis visited Ullah several times, listening to his angry tales and asking questions. At no point did he offer compensation. He did, however, tell Ullah that he would look into what had happened and return within three days. The two men sat down for tea three days later, and the captain offered apologies for what Ullah had been through and updates on what he had learned. He asked for Ullah's help in figuring out how to repair the relationship and, ultimately, rebuild trust with other local leaders. The men talked about ways to get information concerning Ullah's brother, how to improve communication between U.S. forces and villagers, and how to make the population more secure. Only then did Davis turn back to the question of compensation, sharing his estimate of Ullah's business losses as judged by local standards. (It was a basic calculation, but no one else had bothered to do it.) Ullah considered the numbers and within a few minutes agreed to what he deemed a fair figure—a small fraction of what he'd initially demanded.

Strategy 5: Focus on Process

Consciously change the game by not reacting to the other side. Take steps to shape the negotiation process as well as the outcome.

In negotiations that they perceive to be dangerous, executives and officers naturally want to avoid harm to themselves or their constituents. Together with the inevitable need to act quickly, that creates pressure for them to give in on critical issues—not a good idea. The resulting agreement may create an exposure to risk far beyond the immediate threat.

First Lieutenant Matthew Frye and his platoon had been under rocket attack for eight straight days, at about the same time each day, at the forward operating base where they were stationed. On the ninth day, while his platoon was patrolling, Frye received word that insurgents were preparing another attack on the base and that his group should investigate the vicinity where earlier attacks had originated. He felt intense pressure to quickly determine the current location, description, and disposition of the enemy. After all, one of the last rockets launched had landed only about 400 yards from his tent.

Once in the vicinity, Frye sought information from the elders and asked what they wanted in exchange for giving him the insurgents' names. Not surprisingly, they requested a great deal—primarily in the form of food, water, and clothing. Frye promised to provide this humanitarian assistance, but when he asked for information in return, the elders denied knowing anything about the insurgents. Wanting to protect his men, Frye made further offers: emergency relief funds and assistance from his soldiers on a well project. The elders accepted but again were mum. Realizing that he was being taken, Frye said his promises had been contingent on receiving information. The elders were angry that he was backing away from his commitments and suggested that Frye and his men should be extra careful when they headed back to their base.

Feeling threatened and nervous, Frye agreed to fulfill the one-sided bargain and said he hoped the elders would be a little more cooperative the next time. He came away with neither the information he needed nor a good working relationship with the elders. Intelligence later confirmed that the enemy had watched the Americans throughout their visit to the village—so he had created even more danger for his platoon.

Frye's first mistake, of course, was believing that he had only two options: to refuse the elders' demands, in which case he and his men would remain in danger, or to simply capitulate and hope for the best. He should have stepped back from the issues immediately at hand, analyzed the elders' tactics, and considered how to shape the negotiation process to his advantage.

On his first patrol in Kunduz, First Lieutenant Billy Gardner was leading his platoon through a bazaar when he was approached by five men. The men, who represented apple farmers in the local agricultural cooperative, were angry that a previous American unit had given the district several million dollars to purchase land for the expansion of its forward operating base. The person the district subgovernor had paid was not the legal landowner, and the men demanded that they and their fellow farmers be compensated immediately. A crowd gathered, the men began making threats, and when Gardner did not respond, they demanded even more in compensation. They tried to involve Gardner's squad members in the negotiation, angrily directing some of their demands to one while being extremely solicitous of another.

Gardner recognized their divide-and-conquer ploy. He refused to respond to it, and he refused to compromise. If he did either, he would be rewarding negotiating behaviors that he wanted no part of. Instead, Gardner set about changing the nature of the conversation. He sat down, greeted the men in Pashto, took off his helmet, put down his rifle, and listened attentively. He spoke slowly and quietly. In no time, the farmers' body language changed and their shouting diminished. In fact, they were straining to hear Gardner. He began asking questions in a manner that was both respectful (he didn't insist on his point of view) and commanding. He assumed the natural demeanor of a judge—one seeking to impartially determine the appropriate course of action and having the authority to do so.

Gardner asked the men about the nature of their business arrangements, their crops, whom they represented, and how the land sale had directly affected them. Apples were the mainstay of the local economy, he learned. The men were not opposed to selling the land, but they wanted to be recognized as the lawful owners of the parcels in question. Gardner began to propose some possible solutions. Had they approached the provincial subgovernor about their grievance? he asked. Or taken it to the subdistrict *shura* (council)? They said they had not: They didn't trust the subgovernor, and they thought the shura was ineffective.

Gardner listened without definitively answering when new demands—by now framed as requests for assistance—were put forth. He began to recognize that the cooperative represented a form of stable civil government; here was an opportunity to strengthen democratic practices and institutions. Gardner explained to the men that once the issues had formally been brought to the subgovernor, the Americans would be better able to help. The farmers

Training Officers to Negotiate

Why do military officers need to negotiate?

For those in Iraq and Afghanistan, the nature of the job has changed. In a 2005 briefing at West Point, one division commander outlined a day in Baghdad for his lieutenants: going on patrol at 0700, helping set up a local market at 0900, working to restore power to a city block at 1200, attending a town council meeting at 1800, and conducting a raid on a suspected insurgent's residence at 0100. Each of these missions involved some type of negotiation.

Why don't demands and threats work just as well?

Sometimes they do; and sometimes they are necessary. But these officers face increasingly complex situations involving multiple parties, issues, and cultures. The stakes can be life and death, physical security, critical scarce resources, or political capital. In July 2010 General David Petraeus reminded our forces in Afghanistan to focus on the decisive human element. That keeps military leaders at all levels mentally agile and adaptable—not just skilled with weapons and combat protocol.

How do you train *in extremis* negotiators?

At West Point we focus on applied practice. For instance, the course Negotiation for Leaders presents case studies for discussion. Each class introduces a bargaining strategy applicable to the case at hand. We systematically review the approach cadets took to each case study—looking hard at how and why they made the choices they did.

We also do one-on-one coaching to help officers examine their own tactics, using probing questions such as: How did you react when your counterpart made a threat? Why did you react that way—what was your goal? What response did you expect? Given the outcome, would you change your approach in the future? If so, how and why?

Interactions with superiors provide further learning. If a commander asks a negotiating officer if he got the other side to back down or if he kept it "happy," the officer probably won't develop the strategic thought process and skills *in extremis* negotiators need. But if the commander asks how well the officer understood and addressed the other side's concerns and motivations, or whether the outcome sets a good and easily explained precedent for others, the officer is likely to begin thinking strategically about negotiations.

Business executives, too, can use these methods to develop the negotiating skills of their organizations' leaders.

ultimately agreed to try what he suggested—especially if he would continue to provide them with advice, which he agreed to do. What had begun as an impromptu, tense situation characterized by aggressive behavior evolved into hours of talking, an invitation to stay for lunch, and a conversation that eventually shifted to the farmers' sharing what they knew about recent insurgent activity in the area.

Perhaps the most important lesson the *in extremis* negotiator has to teach both executives and military officers is that in the very context where one feels the most pressure to act fast and stake out an unwavering position, it is best to do neither. Control and power can be asserted most effectively by slowing down the pace of the negotiation, actively leading counterparts into a constructive dialogue, and demonstrating genuine openness to others' perspectives. That isn't giving in. It is being strategic rather than reactive. It's thinking several moves ahead about how your actions might be perceived. And it's making tactical choices that elicit constructive responses and advance your true objectives.

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