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Sun tzu negotiations strategy tactics

This article is more than 6 years old. There was no greater military leader and strategist than Chinese Army General Sun Tzu. His philosophy of how to be a great leader and ensure that you win the job, leadership and life is a total of these 33 pieces of advice. You can apply them all in your work when you go back to work next week: The leader leads by example, not by force. You have to believe in yourself. Look weak when you are strong, and strong when you are weak. If your enemy is safe at any point, be prepared for him. If he's with the utmost power, avoid him. If your opponent is temperamental, try to upset him. Pretend you're weak, that he can become arrogant. If he's relieved, don't rest. When his troops are united, separate them. If sovereign and subject are compatible, then divide between them. Attack him where he's not ready, show up where you're not expected. The highest art of war is defeating the enemy without a fight. The ultimate Excellency is the enemy's resistance movement without a fight. When the mind is ready, the flesh could go on and on without many things. Victorious warriors win first and then go to war, while defeating the warriors go to war first and then try to win. To know your enemy, you must become your enemy. Keep your friends close and your enemies closer. Can you imagine what I would do if I could do everything I could? Even the best sword finally dived into the salt water to rust. Engage the people they expect; this is what they can distinguish and confirms their forecasts. It solves their predictable response patterns by occupying their minds while you wait for an extraordinary moment - something they cannot foresee. If you know the enemy and know yourself, you don't have to fear the outcome of hundreds of battles. If you know yourself but not the enemy, every victory you also suffer defeat. If you don't know neither the enemy nor yourself, you will surrender in every battle. So we can know that there are five basics to win: 1 He wins, who knows when to fight and when not to fight. 2 He wins, who knows how to handle both higher and lower power. 3 He wins, whose army is animated by the same spirit throughout his ranks. 4 He wins, who have prepared himself, waiting to take the enemy unprepared. 5 He shall win, who shall have military capabilities and which the sovereign shall not interfere with. Be very subtle, even up to the point of formlessness. Be very mysterious, even to the point of nod. With that, you can be the director of the enemy's destiny. A strategy without tactics is the slowest path to victory. The tactic without strategy is the noise before defeat. There are no more than five musical notes, but combinations of these way cause more melodies than ever heard. There are no more than five primary colors, but together they produce more tones than ever seen before. There are no more than five cardinal flavors, yet give more flavours than ever to taste. Opportunities multiply if they're detained. When the enemy is relaxed, make them do it. When drunk, starve them. Once they're decided, get them drunk. Know yourself and you will win all the battles. Move quickly like wind and tightly molded like Wood. Attack like Fire and still be a mountain. Let your plans be dark and impenetrable as night, and when you move, fall like a thunderbolt. How strong, avoid them. How high morale, push them. It seems modest to fill these conceits. If free, exhaust them. If they're united, separate them. Attack their weaknesses. Show up to their surprise. The whole war is based on deception. Therefore, if we can attack, we must not seem powerless; when we use our forces, we must appear inactive; when we are close, we must make the enemy believe that we are far away; How far away, we have to believe we're close. There is no example of a country that has received long-term warfare. The biggest win is the one that doesn't need a battle. Treat your men like your beloved sons. And they will follow you to the deepest valley. Build your opponent's golden bridge to retreat over. The whole war is based on deception. If you surround the army, leave the way out. Don't push the desperate enemy too hard. Author: Mansi Parikh, Esq. The Art of War, a very influential and succinct treat for military strategy, was written by Sun Tzu, in the sixth century B.C. Applying the teachings of the Art of War to the legal negotiation device somehow means glorifying war. The nature of martial art is not to defeat the enemy, but to maximize the benefits of your own. The book is a very valuable lawyer involved in dispute resolution due to the emphasis it places in the context of conflict. Effective negotiators should have a deep understanding of words such as interests, prepare, strategize, listen and execute; and these words should be rooted in their memory before appearing in the negotiations. The teachings of the art of war describe in detail the importance of the words mentioned above and are directly applicable to the legal negotiation process in general and specifically to interest-based negotiations. 1st INTERESTS: The highest art of war is to defeat the enemy without fighting. 1 Winning without a fight is the basis for interest-based negotiations. But here, winning does not mean to get the final victory and defeat the opponent: rather, this means reaching an agreement that is satisfactory to the interests of the client and resolving the problem for all parties involved. Interest-based negotiations are a phenomenal shift from traditional adversarial negotiations. The first step in the negotiation process is to identify interests, i.e. what each party cares about and what the client's wishes or goals are. Interest includes material interests (such as payment, legal rights or setting a precedent) as well as intangible interests (building trust, maintaining self-esteem, quality relationships, respect, participation in respectful processes, recognition, effective communication, face-saving or political influence). 2 An in-depth analysis of the client's interests allows the negotiator to focus on the needs of the client, not on the client's wishes, and allows him or her to avoid resolution-proof conflicts.3 If you look down on conflicting views for motivational interests, you can often find an alternative position that not only meets your interests but also their interests. 4 A simple story further illustrates the importance of focusing on interests rather than positions. Two kids fought for orange, and both took the view that they wanted the whole orange. Their mother, to settle the dispute, split the orange in half and gave it to each child. However, one child wanted to eat orange and the other child wanted a skin orange research project. If the mother had known why the two children wanted orange, so would have got everything they wanted.5 2. Prepare: If you know the enemy and feel yourself, you don't have to fear the outcome of the 100 battles. If you know yourself but not the enemy, every victory you also suffer defeat. If you don't know neither the enemy nor yourself, you will surrender in every battle. This teaching highlights the importance of knowing the opponent in the event of war and can aptly apply legal negotiations. Understanding the relative strengths and weaknesses of the opponent and their exploitation by controlling opponents' reactions makes victory inevitable. This factor involves thoroughly examining both the physical and psychological effects of the opponent. Physical aspects include knowledge of the power, wealth and resources of the adversary; whereas psychological aspects focus on assessing the interests, expectations, vulnerabilities and psychological pattern of the opponent in previous negotiations.6 Extensive information and knowledge of such characteristics will enable the negotiator to use the information strategically in a manner that controls the reactions of the opponent and may help both sides reach an mutually agreed agreement. Each effective negotiator should definitively seek the following information on the opposing party: (1) their objectives; 2) their interests and needs; (3) their alternatives; (4) their resources; (5) their reputation, negotiating style and behaviour; (6) their right to reach an agreement; and 7) their likely strategy and tactics. 7 It is equally important to know and assess your own strengths and weaknesses. An effective negotiator would not leave the negotiating environment, facts, personal attitudes or behavioural patterns in the face of an opponent. It is essential that the negotiator takes an objective stance in analysing the facts of the cases, while presenting the best possible alternatives. This assessment will also result in negotiator bias from the negotiation process.8 which will prove harmful if the negotiator enters the negotiation process with pre-prepared assumptions or judgments of the adversary. Inherent in human nature is a trait to hear what one wants to hear while leaving the rest. The best protection against all psychological traps is awareness. (9) An effective negotiator may prevent such psychological traps from falling prey by objective self-assessment and a thorough analysis of the strengths and weaknesses of the adversary. 3. STRATEGIZE: Victorious warriors win first and then go to war, while defeating the warriors go to war first and then try to win. If the negotiator has a clear sense of purpose and is thoroughly informed by the client and opponent as well as personal strengths and weaknesses, he can now develop an attack plan before negotiations. At this point, a decision on tree analysis or mapping of different alternatives would prove useful.10 The negotiator must identify the arguments he may make during negotiations with specific facts to support these arguments. The analysis of successful and unsuccessful arguments in similar negotiations can strengthen this case and allow the negotiator to present the facts in a more convincing way.11 If the parties understand their chances of success with each of the many possible choices, they can make better decisions about how to move forward. People who negotiate must be able to assess what is likely to happen to them when they accept the deal and what happens if they do not. 12 It is for the negotiator to decide at what point his side would walk away from the negotiations, that is to say, a point where rejecting the agreement is a better alternative to making the best offer of the other party. 13 This concept is called the Best Alternative to a Negotiated Agreement or BATNA.14 If a powerful adversary has a good negotiating position, batna analysis helps the party to determine the bottom line to avoid a bad deal. If the interests and objectives of the opponent differ from those of the client, the negotiator can effectively use BATNA's analysis to reach a mutually acceptable solution that would prevent the deadlock in the negotiations. In addition to their BATNA analysis, the negotiator must be aware of the opponent's BATNA and prevent the opponent from walking away. The perception of opponent BATNA gives a sense of the challenges that can arise in negotiations. Your BATNA may be weak, but the other half of BATNA may be weak too. 15 Thus, being intimidated by a powerful adversary and not to investigate the opponent's BATNA (which may reveal his pitfalls), would harm the negotiator and his client. Another important step in establishing a negotiating strategy is to determine how and when to disclose confidential or other information to the opposing party. The negotiator may be exposed as desperate as he or he or he too much information. On the other hand, the negotiator may seem to be refusing or timid if he discloses only minimal information. This situation is referred to as the negotiator's dilemma for fear that the transparency of one side may not be properly answered by one side.16 If there is no ideal solution to the negotiator's dilemma, the best approach is to closely monitor each other's willingness to share information, to limit vulnerability, to publish only some information, and then to determine the reciprocity of the opponent.17 4. Listen: That's why at first you're afraid of being like a girl. When the enemy gives you an opening, be quick as a rabbit and he can't stand you. During the negotiations, you should be patient and look for the best way to act. Being patient and listening to an opponent does not show cowardice because it is not just a passive act of listening. Rather, it is an active way to understand another perspective, concerns and reasoning.18 A lawyer can obtain important information by applying active listening to a client's meeting to learn about the client's experience, interests, concerns and reasoning behind the client's position. This skill can help build customer confidence and increase the level of comfort resulting in discussion of more personal, emotional or controversial topics and applying this knowledge strategically during negotiations.19 Skill can also be applied tactically during negotiations, where an opponent can reduce his or her misfortune or stubbornness when he or she feels at least heard. In addition to listening actively, the negotiator should also focus on the body language of the opponent or speaker. A glimpse of the eyes, facial expression and light movement of the body all communicate effectively. 20 Body language involuntarily can convey more than spoken words. Body language is important to evaluate the overall personality of an opponent, because non-verbal communication sometimes discloses important information.21 Reading the body language of another person is not a trick to gain benefits. It is a tool for improving the exchange of information. 22 5. A general who develops without desire for fame and retreats without fear of shame, whose only thought is to defend his country and do a good service to his sovereign, is the jewel in the kingdom. In terms of legal negotiations, the negotiator, who does everything in his power to advance his client's interests by balancing those interests of the adversary, comes out victorious and is the jewel in the negotiations. Taking notes during the negotiations and a clear expression of the interests of each party at the end of the negotiations could lead to a quicker closure of the case and save valuable time, which might otherwise be wasted by reviewing the interests and transactions completed during the negotiations. The controversial doctrine of martial art is that [a] ll warfare is based on deception. Some parties deceptive tactics where, if an agreement is reached, they reject the agreement and increase demand. Even after you receive a sincere handshake, your colleague may come back with additional demands. 23 It is therefore important for the negotiator to confirm the basic provisions at the end of the negotiations and to produce the agreement at the earliest, whereas all the conditions are, in everyone's view, fresh. The teachings of the art of war and the application of these teachings in legal negotiations are critical to an effective negotiator. The most important principles rooted in the book are that psychological strategy and subduing the enemy without fighting. Today's Art of War can rightly be called the Book of Peace, not the Book of War. Mansi Parikh is a lawyer at the law firm Schumann Hanlon Margulies OÜ, where he runs an intellectual property group. He is allowed to practice law in New York and New Jersey. Its intellectual property practice places emphasis on trademark licences and enforcement, patent authorisations, due diligence analysis, copyright submission and enforcement, freedom-to-operate investigations and the assignment or licensing of intellectual property rights. In addition, it is involved in commercial disputes, residential and commercial real estate transactions and the preparation and negotiation of contracts. 1. All quotes in italic at the beginning of each section are from the Art of War Sun Tzu. 2. 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