

CREATORS Negotiate



by Ilya I. Chernobay

CREATORS

Negotiate

Global volatility, low applicable legislation and unpredictable business environment in general, - all of it increases the need for the agreement and socially beneficial conflict resolution, while old-fashioned methods of communication, based on manipulation are meant to be changed dramatically. The purpose of this manual is to provide constructive reader with the most necessary knowledge in dealmaking in order to make it light on his or her way in career, business and family for own and common good.

This book is recommended to be read from paper.

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Tributes

This book is a dedication to every single person I have ever met.

Most of all I grateful to and for:

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Ivan Chernobay.

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Lidiya Chernobay.

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Vilen Sidorov.

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Derek Gleeson.

Love with the melody:

Christopher Young.

Confidence in communicational concept:

Steven P. Cohen.

Reassurance on dedication to strings:

by firm handshake of Valery Didulya.

Universal art values: Gregory Duffel.

Early mentorship: Nikolay Pomazkov.

Rehabilitation: Vladimir Kim.

Piano therapy for litigator: Giulia Moseychuk.

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I.C.

Appeal to the reader

Z-type managers, artrepreneurs, indie musicians, filmmakers and journalists, software developers, constructors, designers and artists, freelancers of all colours, who can not live without creating value for others by doing what they love to do used to face incredible oppositions from monopolised corporate world no matter country and industry. Putting our best (and socially beneficial) interests first has always been challenging, but never impossible. Here is the manual, where you can find universal practices, that anyone can reproduce. Let us be mighty together!

*Humans either fear or love.
Mostly fear. Yet.*

Intro

What if string theory in physics is true? And if it is true, what if music is not simply music, but, as Michio Kaku once brilliantly put it, the richest set of complexities, harmonies, rhythms of all the paradigms of Mother Nature. And what if music is the one, that is the most sophisticated medium, that Universe uses to create their diversity. And if so, what if human interactions relate to music too? What if emotions, that humans experience, when communicate with each other, can have qualities, related to music notes, cords and even colours? What if spouse's intentions or business interests can have a quality of music notes, that, being combined and "played" in family or project team, can sound wether consonantly or dissonantly. And if so, could melodies and polyphonies of such kind of interests be harmonised in a way how orchestrators and composers do? I believe so. Because I did so.

Well, imagine what happens, when we play string instrument. In the meantime when a string is at state of rest, nothing is happening. But then, you pull a string on a certain angle and hold it. Still nothing is happening, except, now there is a tension at that string, which creates some potential power (energy) in the amount (dynamic), corresponding to the angle, at which, we hold it. After that, once we would release that string, we can hear a sound. That sound by its pitch and dynamic will then constitute a physical quality (a temper) of relationships that two humans (figuratively "located" at fixed points of that imaginary string), potentially able to generate in the process of their interaction.

Please, imagine then, if there are many strings of different length and thickness are being played at different angles in different surroundings. Chances are not all of them will sound harmoniously, aren't they? Perhaps, some of those strings, which consistently plays their tunes, being arranged in specific order, will sound agreeable and therefore, nice. However, some of them never will. Even for a specific time frame. This is because they were designated to produce a friction (that is conflict), which, in its turn, creates another potential energy in order to produce another sound of, hopefully, better quality.

That is why disputes, conflicts and other disagreements are incredibly significant part of our lives, as they are the chance to make it better.

Speaking about angles, it is not possible to mention astrology too, which is all about angles (energies) and its interactions, that they generate and, most importantly, it is about karma, which let us move wether vibrationally up to the light, or... either way, but never let stay still.

So, what I'm saying here, as a lawyer and communicator, is when we write an email, for example, we are approaching a person by a certain angle, with certain degree of harmoniousness. Same thing is with verbal interactions, in project teams, family, etc.

And if you, dear reader, feel skeptic about this hypothesis, please, ask yourself, why do we have same number of months in the year, same amount hours in daytime, same number of notes in one octave, same amount of tonalities in harmony and, surprisingly, same number of zodiac signs in astrology. That is because analogy "exists" everywhere, including negotiations. If you can not argue opposite, please, believe me, as I have learnt all of that hard way.

Unfortunately, romantic part of the introduction is almost over and I have to draw due attention of the insightful reader to the fact, that most of the modern approaches to negotiations and communications are based on manipulations and, along with all the fine things we know about, have led to the huge number of misfortunes, injustices and mental illnesses, so can no longer be applied without a fundamental review and critical rethinking.

In addition to this, technological innovations in communications has led to development of some new controversial approaches for communications, which ignited a paradigm shift in attitudes and values, business opportunities and personal relationships in the context of globalisation and intercultural interaction, and, therefore it seems that pretty sensitive incentives have been risen highly enough for our own personal communication style review in general.

In a nutshell, if you are ambitious, "success" driven and consider Darwin's theory of human origin correct, then we have nothing to talk about. If the word "success" for yourself only is an empty sound for you, if the signs of accelerated process of energy-information evolution become noticeable for you "too" often, but you do not agree to go with its flow, but want to change the world for the better as soon as possible, and are not going to play by the rules of single-cell manipulators, then we met in the right place at the right time.

On our way to Happy Tomorrow we will dig into the most important aspects of relationships in general, conflict harmonisation practices, cross-cultural negotiations, specifics of some internal and external communications in organisations of different types, as well as leadership styles and even astrology. As a culmination of this venture, universal "ultimate beneficiary" method will be defined. Some aspects of negotiations in Easter Europe countries will be described here too. Serious conversation in general, will be "stretched" with demonstrative examples from my individual experience, practice of my legal colleagues or well-known facts, that best illustrate this ocean-like topics. On the

way of exploring the issue, as creative negotiators, we will act with a wit, surprise by awareness, share practical insights and inspire for the best ever creative negotiations.

Poyekhali!

Part 1

The fundamentals

Unfolded preambles is of good negotiators' style, but this text is more practical, than philosophical. Although, what could be more practical, than philosophy?

One way or another, since we have already defined the vector of the discussion in favour of world's peace and human creativity, we will not be able to manage it without reference to the foundations, re-thinking of which will make our way as direct as possible, and the negotiating position - invulnerable, and the style - unique.

It is known that the majority of the world's population (with the exception of some Arab and Aboriginal people) operates on the basis of social laws, that they more or less successfully created by themselves, and, to some extent, follow sufficiently, thereby ensuring relative social justice, development opportunities and security. It is no wonder either, that Nature, in its self, also acts on principles that ensure essentially the same objectives with incredible degree of effectiveness, however are not reflected in codes and conventions known to lawyers for the reasons, that are not the subject of this book. After all, an ideal (in other word self-sufficient) society (a multimillion country, family or organisation of 3 people) in fact, operates in accordance to the laws of Nature, which are the part of it, and only an arrogant Darwinist, pottering around his sand-pit, thinks that he can reign in his micro-world in isolation from universal laws. They call it independence. What a nonsense.

Fortunately, at our disposal we have a few achievements of human mind and heart geniuses, who recognised these laws and formulated them in a language understandable to anyone currently. The number of laws and their names may vary from one source to another, but they essentially come down to several principles. Some of those general principles are Love, free Will, Development, Unity, Harmony, Joy and Security. In case of accumulation, the implementation of those laws (rather than any kind of judicial rules) ensures the fairness. The Great universal fairness.

Depending on the level (or, musically speaking, "pitch") of implementation of the aforementioned laws, it is useful to distinguish one of negotiating approaches, that are best adopted in corresponding level of negotiations in which they supposed to be implemented. For example, at the lowest level, when the parties are guided by a momentary personal benefit, so-called "win-lose" or competitive approach is applied, so one have to fall back upon every means available, except the laws of nature themselves (or rather, only a low landed component of the essence of these laws). In such a negotiations, it is best to take part with a Kalashnikov rifle in the hands or utilise the best short-term

alternative method, i.e. without counting on a long-term relationships in order to reach the “highest” efficiency. It is fair to say that "negotiations" in the form of armed conflicts also take place according to the laws of nature, when other methods of “persuasion” have not yielded any results. The most popular character in this category, Al Capone, is assigned to the phrase “You can get much further with a kind word and a gun, than with a kind word alone”, which sums up this idea pretty well. Well, unfortunately, this is the most common method, when, by the word “Gun” one understands intimidation, compromising materials, hostages, media - that is, anything that can be used as a threat of adverse effects and intimidation. Please, tell about karma to those, who sticks to this way.

At the intermediate (middle) level, the most popular (“civilised”) tactics and strategies are in charge. The essence of all of these truly countless methods is manipulation, or, simply put, deception, undertaken in order to achieve immediate benefits for themselves or a limited number of individuals. We will dedicate a special attention to the analysis of this phenomena in order to be able quickly recognise and handle these methods.

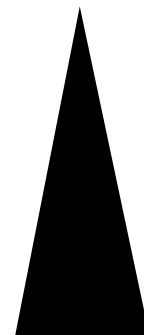
At the highest level, focused on the highest justice, real miracles are happening and “secret” of these miracles is in harnessing of the above mentioned laws of nature in their most sublime interpretation. Communicating at this level is the fine art, which is achieved by tuning communicator’s ego (that is, vibrations) up towards higher ethics and selflessness, whereas absolute mastership allows to transform chaos into harmonious order on any level on negotiations at any time.

No one doubts the need to comply with the laws of nature to ensure health, so why should negotiations be an except on the way for social wellness?

DEVELOPMENT: COLLABORATION/COOPERATION

SURVIVAL: MANIPULATION/DOMINATION

DEGRADATION: AGGRESSION/VIOLENCE



Creative communications

The word "communication" in its humanitarian meaning in the modern world means anything from verbal interactions to communication through social networks, movies and computer games. Indeed, filmmakers and screenwriters, by telling a story, do nothing but bring us, the audience, a pre-defined message. Similarly, in computer games, music and fine arts of all kinds, the initiator of the idea (vision) transmits a message to its audience in expectation of a reaction of any kind, communicating by image, color, sound, etc. The more insightful the message and response, the more effective the communication itself. Communications are considered to be creative if their aim is the creation of social common good.

The importance

Our reaction (first of all, emotional reaction) to any message is inevitable, as well as inevitable an impact of this reaction on our thinking process and, therefore, on the decision-making process on a particular issue, which ultimately determines the core and quality of life in general. Just think of it, how often, consciously or not, we acted one way or another for the reason, that exactly that or another way our beloved hero (heroine) has been behaved in cinema.

And yet, no matter scale and communicational ambition is, and how directors, artists and composers enjoy themselves throughout the process, - the most important part of communications is the communication in the "human-to-human" system directly, - it is when the one implies his or her skill set (eloquence just one of them), tells his or her "story" to another, and vice versa, - be it spouses, fathers and children, seniors and subordinates, clients, colleagues, partners, friends and foes. This game turns out to be even more magnificent when it comes to multilateral interaction. Indeed, the quality of life is determined by the quality of relationships with people (or companies, in case of business well-being) around us, and they could hardly be improved without communicating directly and wisely.

One of the most significant components of communication is the conflict, which in the best scenario should not be created, however, those, which has already been originated should not be managed, but rather resolved, instead. Indeed, communication, which evolves harmoniously ideally will never escalate into a conflict, while emerging dispute is always a chance for all the participants to literally "surpass themselves" and reach out a new orbit - whether within a geopolitical clash or a dispute over leadership during the play in the sandbox. In reality, if two sides are involved in a conflict, then for sure, both need to reframe

their vision, overcome stereotypes or eventually rise the bar (tonality), that is to strengthen important relationships, up to a new degree.

Imagine, how a software developer would describe a sequence of our life events. It would probably be a set of "yes/no" closures after the operator "choice", looped back in an infinite tree, where "negotiations" would take place right next to the "important choice", so that decisions such as "yes", "no" or partially "yes" are being made. Should we emphasise how is that process important? "Go-with-the-flow" life style adopters might object - after all, decisions are being made for them, anyway, ultimately, this is their choice as well.

Another, in some way, encouraging point to master negotiation skills is the direct connection between those skills with leadership. Most often, an effective negotiator is a leader, even if that leader does not openly demonstrate his or her outstanding abilities in public speaking or debate. The negotiating style of a particular leader is determined by the type of leadership (management), which in turn is determined by countless factors, from cultural environment to genetic predisposition.

Moreover, by the end of the day, long-term leadership is unimaginable without continual personal development, therefore the more we advanced in negotiations, the more we become developed in everything - from appearance to the timbre of the voice, and vice versa - while developing comprehensively, we inevitably advance in the fine art of negotiation.

Rapport and trust

As my friend and amazing fitness mentor used to say, when meeting a pretty woman it is better to hit from far away by asking "let's have a sex?", instead of forcing one's way with the trivial "can I ask your name, please? ". And so do I think it's crucial to always get ahead with the main point (and now seriously) that is with fundamentals and therefore the sources of evolution, which are related to negotiations and everything that they mediate, namely rapport and trust.

Figuratively speaking, the tune of rapport depends on the degree of cordial (as opposed to formal or purely mental) (a) interest in understanding the position of the negotiating party (a candid desire to understand the other person is already half of the battle), (b) education (the desire for mutual understanding within individuals of different places of origin, who do not speak each other's language would be enough for "negotiations", perhaps, only in case with the above mentioned friend or with purchasing a token in the subway (we can get away

with gestures alone), as well as (c) cultural dimension (desire to get acquainted with a lady and ability to speak five languages alone might not be helpful in asking her out, if, nevertheless, not to get ahead with appropriate and reasonable compliment).

$$\text{RAPPORT} = \text{INTEREST} + \text{EDUCATION} + \text{CULTURE}$$

Absolutely the same picture with negotiations on business and politics - no luck in reconciling positions can be seen, if the negotiations on the legal status of the Crimea peninsula Japanese expert on biological resources of the Kuril Islands from Russia's side would be delegated (in this case, under otherwise normal conditions), such a negotiator has no and could not have neither personal nor commercial, neither national nor scientific interest (a) in establishing the rapport required by Russian side). In other words, such a person effectively does not care about the Crimea peninsula, and his conscious (cerebrospinal system) simply will not turn on into a constructive dialogue, and if it does for a moment, he will not be able to maintain it due to lack of knowledge of one of the languages of the Slavic language group (education (b)) and the skills to comply with diplomatic protocol in partisan negotiations with the Russians ((culture) (c)).

Trust, in turn, is such a delicate and monumental issue that it seems not appropriate to talk about it without sarcasm. The point is that consultants, political and business marketers of all shades have succeeded in gaining our credibility to such a great extent, that all the results of their finely-tuned, scientifically proven and technologically ensured psycho-manipulative "job", ranging from contextual advertising in an Internet browser, ending with videos in the elevators, so they made their audience so deeply tired, that no one has any doubts about the reasons for sustainability of the demand for the services of psychotherapists and drug dealers. Political and business consultants, lawyers and diplomats, who are very well trained in the negotiation craft, are well aware, that in order to accommodate clients, it is important not only to have a good hairstyle, suit and tie, but also the timbre of the voice, the stability of the gaze, slender speech and trustworthy perfume. And all of this in order to convince interlocutor's subconscious: this person can be trusted. And it would not have been so disgusting if the owner of our trust had not intended to sell us another "elephant" or fool us in the election, so, further on this, only seriously and on-point.

Conceptually, in the matter of establishing trustworthy relationships, we most commonly follow one of the two principal approaches: a) all the people in my circle are knowingly kind and decent, so I treat them accordingly, unless

practice proves otherwise, and b) none of my circle is fully trustworthy, unless they prove otherwise. The actual experience argues - a particular approach is acceptable, depending on the situation. If you are feel like at war, choose the second one. In normal life, in order to establish a relationship of trust at a “pitch”, consistent with the objectives and terms of negotiations, it is necessary and sufficient to be sincere in intentions, integral and gradual in traction from the beginning till project completion.

Trust, in itself, is nothing but a result of a rapport, build on truth, which in turn, is the foundation on which any castle can be built. And more on that further.

TRUST = TRUTH + RAPPORT

Fairness

I have no clue, dear reader, if you happened to think about such purely empirical issues as justice, yet, since we are going to change the world for the better the next morning, I suggest we to make sure we are on the same page on this subject prior to departure.

Simple truth is that a strong negotiator always has a strong intellectual and ideological fit. He would go to bed only after making sure, that there are no unresolved issues in his mind, so one could feel absolutely self confident in letting oneself a rest before the next morning meeting about the Syrian crisis. Otherwise, it would be very easy for him to be shaken up with the first approach to the negotiating table. For example, the phrase “I, for one, believe that the basic issue of philosophy was formulated intentionally to divide the world into imaginary opponents and rule them on Niccolo Machiavelli’s principles.” If we would fail to respond to this message while having a business breakfast in a friendly, meaningful and humorous manner, - there will be nobody else to blame for the subsequent undeserved negligence from our partners, besides ourselves.

Likewise, if you off to engage in a dialogue with the director of a future Apocalypse’s block-buster about your prospect soft drinks supply contract for the film crew, I assure you, that this contract will not be signed if you do not manage to win the decision maker (in this case, film producer) with your original and appealing opinion on why it is so important to make this film, despite all the challenges. Of course, this statement may not be relevant (if the management has happened to organise an online bid for water supply), but experience has shown the following: there is nothing random in this world, - on the contrary, all meetings, events and circumstances are interconnected and interdependent, and if this connection is not recognised right immediately, it is a

matter of time and awareness of the recognising person. If you are water supply trader, you are doing business with film makers, it means you most likely have sincere courtesy “worrying” about the same, as film director, things on a mental level. The same with justice - if some general jurisdiction court of provincial city “Anytown” has happened to resolve marriage dissolution “unjustly” from someone's point of view, it does not mean that democracy sucks, - it only means that conflicting partners were so far away from the vibes of their true justice, that they both were unable to manage their own lives, and further, naively relied on someone else’s formal opinion in hope to reach out happy settlement. Tragic fault!

Perhaps, someone has claims about their place of origin, family size or physical well-being, however vainly, because all of the above is strictly mathematically ordered and set by Mother Nature to ensure the first rate individual maximum life performance. That is why the best negotiators are not born in a family, where mom and dad from birth date would speak in their child presence exclusively in French and mostly about the choreographic specifics of Russian ballet culture of late 60s, instead, would hardly be able to find a common ground for the literal questions, thus "ensuring" the future negotiator to take on diplomatic drill from the earliest, and predetermining the future designation.

TRUST + EMPATHY = LOVE

That is exactly why, in the meantime of concerts the Mariinsky Theatre's soloist father and pianist mother regularly hosted musicians, artists and writers at the little Igor Fyodorovich Stravinsky's house, that he did not become an outstanding engineer, but composer instead, since not just himself, but the whole Stravinsky family would have been "investing" in his musicianship wholeheartedly. There's a cause-effect relation into this, isn't there?

And for the above mentioned very reasons, in each and every negotiating situation there is one single truly fair solution (which is always the agreement) - the one that corresponds to the Nature top standards of fairness (used to be known as Karma) and the goals of its evolution, which may not coincide with short-term interests of the participants, involved in them, but absolutely accurately reflects their unconscious interests, and so, the highest designation (mission, if you may wish) of the negotiator - is to help finding that golden solution and putting it in the term sheets, - or else, circumstances might make it hard way later.

Despite my seemingly forceful language, which seems appropriate to the subject matter, since good negotiator has one’s own religion-like beliefs - although, it is crucial to make them invulnerable and flexible.

Information

For so long as mankind will start communicate by means of telepathy again, the main instrument of articulation will be verbal dataset, which is always tied to its source and carrier, and thus verbal information processing will take most of negotiator's concerns.

While the fine art of virtual information processing could be mastered endlessly, business people, while operating data, first of all, care about its authenticity, comprehensiveness, timeliness, relevance, consistency, as well as the reasonability of information (negotiators mostly deal with such sorts of information as statements, arguments or judgments). In doing so, it is important to keep in mind, that when working with information, your partner will also be concerned about the authenticity of the information in his or her availability, however it may happen, that both could be mislead in a good faith. For example, when your project at issue team's progress report is incomplete or when assistant failed to deliver piece of correspondence to the contracting partner's management. That is why it is essential to catch up on partners' vision regularly to make sure you are at the same page on each point, assuming that differences in the assessment of all the circumstances of the subject of negotiations may arise in good faith, and not because of someone's bad intentions.

Constant identity verification in definitions and concepts interpretation, applied by the contracting parties, also helps to prevent failure in maintaining trust and rapport. It is for this reason that a good agreement, memorandum or letter of intent always has an impressive stack of terminology, used in particular document, although it does not follow that they should be difficult to understand, but quite the contrary, - the simpler and clearer the words you use, the clearer and therefore more trusting the relationship.

Another aspect that is important to pay attention to when collecting information is the credibility of the information source. In other words, before taking any action, based on conclusions, derived from an external source (i.e. a conclusion not based on personal experience), be sure to ask yourself the question "does this source of information deserve credibility? If so, to what part or extent? In our capitalistic reality, when working with public information, it is necessary to validate all from who owns the media, what its declared and real goals are, who it works for, what position in the corporation structure it occupies, what is its mandate, etc., - everything counts much, not to mention to what extent, when you deal with individuals or online sources. In any case, avoid binary thinking virus, derived from information technology.

Since some significant part of the modern parliamentarian's work is done in oral negotiations, it is critically important to master so called “meta language” (ability to read “between lines” of what is said or written), so alongside of the laws of reasoning, formulated by Aristotle, one can practice them in bundle in recognising (understanding) purposeful and unintentional manipulation. Meta language is, in fact, same as inscription technique, utilised to cover true meaning of the message, that still needs to be communicated - a very popular tool for politicians, journalists, lawyers and deceitful spouses. Mastering such a skillset is an excellent opportunity to develop the ability to verify information flows intuitively, hence, in combination with the traditional methods of data processing, it can serve you as an effective soft power instrument in establishing working relations both with partners in tech business and colleagues in film industry, for example.

With this idea in mind, it is worth paying special attention to the root context of certain manipulation indicators, for example, "hope" - the smartest way to hide real point, although what is said sounds exactly like one's own opinion, or the word "by the way", which always points to the note, which in fact is the main in the whole statement.

Information processing

Often information that comes unexpectedly (like a spontaneous thought, a caught note, or even a dream) is of considerable value, however, since such accidents are not coming from nothing, but as a result of the continuing evolution of the universe and our minds as part of it, - we should also ensure ability to think spontaneously and effectively with the assistance of a good preliminary set up.

It is reliably known, that our brain is a fantastically fascinating and complex mechanism, as well as the fact that this mechanism is given to each of us in the expectation of productive usage. While neurophysiologists are trying to scrutinise every details of this infinitely state-of-the-art system, we will, without drilling into biological details, arm ourselves with love, good will, some achievements from gym and harness our central nervous system for the betterment of humanity and our mediatory call. Shall we?

The first thing that's useful for effective brain functioning is memory. Whatever memory a person have by nature, it can be successfully advanced with assistance of well developed mnemonic techniques, yoga practice, speed reading tools and simple repetition.

Depending on the area in which you want to advance memory, you can focus on one of the following methods.

So, if you want to significantly increase the amount of memorisable information (in public speaking, processing of what you heard and read), it is necessary to learn mechanically any text data in amount, corresponding to your short-term memory needs. In other words, if you are able to learn by heart legal statute of 10 pages long (which means you can reproduce it precisely in oral or in writing), it allow your mind to perceive, hold and operate sufficiently data in the amount of at least 10 pages effortlessly. This method is applicable to any sort of information - image, symbols or sound - and is indispensable in debates and hearings, as it improves information analysis skills significantly. This method is highly appreciated by theological scholars, forcing novices to memorise prayers in Old Slavonic, Greek, Hebrew or Sanskrit. The same method was employed, and bequeathed to practice, by the great Leo Tolstoy - advocate of the idea of non-resistance to evil by violence - and later by master Mahatma Gandhi.

Memory development methods, based on the use of imagination, mind and associative thinking, allow to organise (and to structure) efficiently, and thus, to memorise heterogeneous information. All collectively, those mnemonics help to enrich the very ability of the brain to establish neural connections, which is essentially a physical basement of a good memory. Perhaps, one of the most useful of them is mind-mapping - schematic sketching of text content, indicating the key words of studied material. Sketching circumstances of the case in different colours with notes on the plan of action in order to advance in the resolution of a dispute or case, - not only makes it easier to remember facts (and parties visions), but also creates the very ground for the later manifestation of negotiator intentions, which then takes a little time and efforts to vitalise his mental picture. How cool is that?

Another qualitatively related and also trainable skill of the brain is speed reading. With some due diligence and determination, an average-sized book of 300-400 pages can be read in 30-40 minutes without compromising understanding. The method of developing speed reading skills (similarly to bike riding) is based on simultaneous development of the brain's (not eyes) ability to grasp more text per time unit and increase concentration (focus) simultaneously. In my opinion, the most developed and adaptable methods are those of Tony Busen and Oleg Andreyev.

All of these methods of information processing can bring undeniable benefit only if you are able to practice the full release from thoughts and relaxation of consciousness, which is best achieved through the practice of yoga Any kind of it. The best among supplementary practices, which can be recommended and harmoniously integrated into techniques, mentioned above - is the method of

Jose Silva, which, at first, require an evening resemblance of the day on an imaginary black screen with one's eyes closed. Thank you, uncle Silva, for your fantastic method!

Questions

The main practical reason to avoid any kind of manipulation is that your creative partner is no less worthy and experienced professional than yourself, so therefore, just like you, he or she will identify the first attempt to give him (or her) the go-around in a second before it even starts. Then he will, eventually, find this experience unpleasant, and the manipulator - unsympathetic. And since the main tool of manipulation in negotiations is asking questions, before doing so, it is worth making sure that each of them relates to the case's subject and inspires sincere interest (in order to build rapport and trust, of course). At the same time, there is no need to sweat about your hyper curiosity, - because, generally speaking, no question is stupid - yet, some answers are not wise.

Joke:

“- Dear attorney, how much does your consultation cost?

- The answer to one question is \$100...

If there are no more questions, that will be 100.”

A professional negotiator has an extensive area of interests and so, when asking questions, he (or she), to put it metaphorically, accelerates the main process - information collection and transferring, while being aware that, in general, the answer's content is mostly predetermined by the question's content - namely by its verbal construction, emotional component (intonation, timbre), context (external circumstances of the conversation) and non-verbal component (position of the body, mimic), etc.

How to ask

At the early stage of interpersonal relations establishment, the main idea is building trust (it is literally mostly built), which is best achieved in a short period of time through mutual disclosure of information about themselves. When negotiators from any industry, being strangers to each other, manage to lead a conversation in this direction, their business productivity (and not only business) increases integrally with respect to the measure of mutual sympathy, they established, based on the presumption about common values they share, which in the whole also depends on the degree of mastership in asking (and answering) questions, in particular about their favourite subject - about them themselves.

*Joke: "Perhaps, it's enough to talk about me.
We'd better talk about you.
So, darling, what do you think of me?"*

Being in the position of a woman (that is when a person, who is listening to another is perceived energetically), the best way to maintain constructive dialogue is by giving a positive feedback to the conversational behaviour which is considered desirable. Strive to speak accurately, while keep distinguishing the difference between "why?", which is addressed to the goal and future and "why?", which is returning to the reason and reasoning ("for what?").

Tip: When you are asked to provide something you do not want to provide in face-to-face interaction (for instance, personal data) ask for legal ground for that requirement. If your request is not granted, ask to provide you with denial letter and see if you can handle it afterwards.

For so long as relevant and substantive questions are not raised spontaneously and lightheartedly, it is worth planning in advance, what and how questions will be asked, given that closed questions, such as "what?", "where?". "when?", "which one?" would unlikely trigger interlocutor for detailed answers, as opposed to open questions like "how?", "how come?" or requests to talk about something generic. For example, the question "how did you start this business?" or "how do you manage to remember names of all your employees?" will help to start an inspiring conversation for both interlocutors by creating a prerequisite for your partner to disclose professional achievements and "secrets", and thus, the opportunity to complement what has been said with your valuable remark.

How do not ask

Both during informal communication and on active phase of negotiations, you should not ask leading questions such as "you do not think that ..." (essentially aimed at imposing your opinion), questions that express a deliberate disagreement or negative assessment of facts (you may not be fully aware of these facts), as well as too complex or straightforward questions (do not confuse business and informal communication with examination and employment test). Same applies to conversations in a questioning manner - although many interlocutors do not mind to feel interviewed, a one-sided desire to constantly and fully control the conversation will quickly reveal itself and become unpleasant.

It is also worth thinking about (or getting your partner's opinion) before you intend to demonstrate the importance of what you hear from him by taking

notes. At first meetings almost certainly nobody will have a desire to have everything said in written (not to mention to release it publicly). Mastering the art of negotiation would be much easier, if any serious deal negotiation allowed usage of a voice recorder. Alas!

While being committed to the truth, although not too sincere in addressing personal questions yourself, it is also essential keeping in focus the main point of communication, the area of common interest (so called common ground), as well as to demonstrate professional competence in every appropriate case. As an illustration of how not to be too sincere and why not to deviate from the main topic of communication - an example from my early age experience of trying to get to the Russia's President office in the Southern Federal District.

Case study:

“Being invited directly to the office of the VP Human Resources Officer, I was so excited about the potential career opportunities, that I decided to be as sincere as possible in the conversation, thus hoping to charm my interviewer with the chance to recruit such a loyal and honest person like me. Having entered the office, furnished in style of personal imperial library, decorated with medals and portraits of the main employer, vice president stood up from the table, came up closer, shook my hand, took off my coat and offered to sit in a museum-like chair. By doing so he discouraged me with his gallantry and, as a result, instantly solved both of his professional duties at once - he charmingly attached himself by serving Joe Blow and hereupon dulled my vigilance by settling me in a arm-chair and making comfortable. Getting started the conversation with formal questions about education and experience, all of sudden, the old hand asked:

- By the way, how do you prefer to spend your time off, Ilya?*
- Time off? Oh, I love to travel!*
- Well, then go and work as a tour guide.*

The End... ”

In general, questions exchange should be considered as the main tool for establishing mutual respect, atmosphere of cooperation and constructive problems resolution.

Motivation

Our Roman colleague, Caspian Ravilla, who is for all lawyers known by the metaphorical phrase “Cui prodest?”, very accurately formulated the vector of the reflections in any case, that requires settlement. Notwithstanding that insightful understanding of the deepest motivation drivers can be used for

manipulation (i.e. against the subject of the research), in our case, it is part of information gathering process, aimed in getting an idea of motivational triggers, which matters most in common ground identification. Once common ground is identified and accepted, all parties may step in on it, mutual rapport and trust could be constructed in order to offer afterworlds the most favourable terms and conditions for the partner, while counting on reciprocity.

Such an approach also determines a need for getting clear picture of the mandates, assigned to individuals, involved in the decision-making process, their interdependence, the degree of personal motivation for particular problem resolution and the degree to which their business skills are developed (negotiability). Before potential collaborative opinion of several people on an issue is approved, it is also important to ensure that all stakeholders are involved in decision making process. The most precise and comprehensive answers to these questions are critical in ensuring, that common will to fulfil all agreements reached by all parties is sustained. Indeed, the law of free will operates in such a way, that any resulting violence is always ineffective.

The same approach to collaborative agreement establishment, which is based on an interest-based method, was perfectly described by Steven P. Cohen in his book "Practical Negotiator", where he defines negotiations as a search for the best alternative for the negotiated deal and emphasise, that there is no and can be no any competition in this process.

Here are some principles of his method:

- successful negotiations is the process leading to an agreement that parties intend to implement;
- understanding your own interests is the first step in preparing for negotiations;
- never make concessions without reciprocity;
- negotiation is not a competition, as the party aware of its defeat at the negotiations tends to avoid obligations and, on the contrary, the "winning" party does not achieve the expected benefits and, as a result - defeat for both sides;
- on each issue, have the best alternative solution - it will be useful at the stage of thinking about quitting negotiations;
- use your research skills to define the boundaries of possible agreements (zones of possible agreement) that will lead to solution, so you do not limit yourself to a single fixed result.

This creative approach to consensus-building has not been most innovative since Mahatma Gandhi achieved India's liberation from British colonial dependence through a commitment to L.N.Tolstoy's idea of absolute non-violence and concessions. The fact is that the most outstanding results of

negotiations are obtained when the negotiator, as a leader, has neither any self interest at all (besides intention to give a hand) nor symptoms of vulnerability. For some, this may sound like fantastic or even naive, but since we have already agreed to put negotiations in a broad context, martial arts techniques, that allow to retarget the force of attacker to defend and retaliate (which of Bruce Lee is the most prominent representative), should serve as compelling argument for the impactful and effective outcomes of the method. Here's what he himself wrote in his diaries: "Patience will overcome all that surpasses itself; its power is infinite." And further, in more details sophisticated fighter writes:

Quote: "Pliability has a serene ease, soft as a fluff, calm, shy in action and the kind of disability. Her heart is humble, but full of strength. Deprived of any anxiety in its calmness, it acts in harmony with the strength of the opponent, not moving forward, it only responds to the appropriate influence."

Optimal thinking

Spoiler:

This method is used by Donald J. Trump.

Books and face-to-face meetings will always be in demand for the simple reason, that it is through them the most coveted knowledge of someone else's personality layer takes place - and, therefore allows to figure out, how the person, who has already achieved similar goals thinks. It is not surprising that highly advanced people have a lot in common in their approaches to business, and most importantly, in their way of thinking.

Why is it so important, that even negotiators should think about it? Well, the fact is that, having mastered a sufficient degree of self-awareness, you can easily catch yourself thinking, that most of our decisions are made by algorithm, but the good news is that we can customise this algorithm at our will and improve it for as long as we want. Of course, the same applies to those with whom you negotiate, so the first step towards negotiation process improvement will be to optimise (double-check) one's own thinking, - namely, by foot walks, during which at least these three actions are performed simultaneously:

1. attention is directed at your body, breathing, legs, face and spine muscles along the entire length (alternately);
2. a relaxed, inquisitive look is set at everything going on around;
3. a full readiness for decisive action at any moment is felt.

Practicing observation over yourself for a while will make possible self-diagnosis of your own way of thinking. If, by this time, the "Second coming"

has not happened yet and those around still do not live according to the principle of serving the cause of peace, take it as soon as possible to master the optimal way of thinking, because regular positive thinking by this time is hopelessly outdated (truly, for how long we are going to consider a man, who keeps hiding his fear of the reality by looking for good where it may not exist at all) reasonable. We also leave a negative thinking to those, who represents religious traditions of slavery and guilt.

As golden middle to that, an optimally thinking person, guided by the search for the best solutions in given (objective) circumstances, at first glance, may seem to be a self-loving maximalist, as he proceeds from the considerations of deserving all the best for himself (not to be confused with primitive consumerism attitude) as he (or she) gives away out the best that one has in his thoughts and deeds, which is quite fair, when it comes to the final balance accounting sheets. And at this point, even Christian fanatics will have to forgive me, because this approach - of optimal, that is, the best solution - does not necessarily require the best only for themselves. For example, the best place to meet does not necessarily mean the closest (logistically comfortable) to you, as it may seem at first glance, but, for example, the quietest, or the place where no hidden video or sound surveillance devices are secretly installed. Moreover, the best appointment time for a negotiator is definitely not the one that is available from other instances, but the one in which you are most productive as negotiator (for example, on Wednesdays noons). That is why, speaking software language, establishing the optimal thinking as a platform, one should not be afraid of sameness - the solution for similar task each time is always creative, because a research for the best decision inevitably directs to individual's fundamental values and priorities (for example, health and happiness throughout the Earth). However, what is common to optimal thinkers is this set of questions for the self-dialogue:

- What is the most important thing to me?
- What are my main goals today?
- Which actions today will best support my confidence in myself and in my abilities?
- What will make my actions most beneficial (profitable, useful...) for me and others?
- What's the most constructive way to spend my time right now?

Part 2

Leadership and values

A great deal of the negotiator's tangible part of performance, - whether you are a contractor or acting on behalf of your own business, - is basically interaction with other managers and leaders. If you ever wondered, for how much extent of a history, politics and behavioural sciences are connected to leadership repertoire, it becomes clear why this topic should be given special attention. The way of thinking, values and priorities of any leader can be determined by origin, education, religious tradition, current position and individual temper. For reason given, since we want to be an effective leaders themselves and to enjoy mutual rapport, trust and, as a result, - the collaborative agreement, that is sufficiently executed afterwards - these priorities and values should be identified even a week before the first meeting with a partner and, preferably, recognised even better, than the partner does about self.

Key organisational leadership theories

For the sake of simplicity, let us define leadership as a process of how influential people manage their resources (other people) towards a specific goal. And since negotiators likes nothing better than opportunity to consult other leaders, it is worth to differentiate partners on the basis of their attitude towards those they manage.

Well then, one of the main reasons why leaders behave one way or other, is their belief in how to manage their team members most effectively. According to Douglas McGregor's theory, managers, who believe, that their employees are by nature lazy and work only because of money, will imply a different style of management, than managers, who consider their people active, prone going forth into the highways and eager to make themselves responsible. Being summed up by management gurus, this set of hypothetical assumptions was officially named "X, Y, Z theory".

X-managers could be recognised by the native certainty, that inducement and threat of punishment should be used first of all to motivate people to work. The features of their philosophical views expressed in business (or civil and military service) are as follows:

- by nature, people don't like to work and will try to avoid it at the first opportunity;
- workers have low ambitions, try to avoid responsibility and prefer to be manageable;

- the main need of employees is safety at work.

Y-managers think about people much better and believe, that under the right conditions people will not only work hard on their own, but also look for opportunities to impose additional responsibility for themselves. Moreover, they are convinced that, as a rule, most of the creative potential remains untapped, but if this potential is used, employees will demonstrate a much higher level of productivity.

These are some other mindset's qualities, that such type of managers have in common:

- physical and intellectual stress for work is just as natural for active recreation and entertainment;
- external control and the risk of being punished are not the only means of engaging people in achieving organisational goals, and if they share these goals, they can demonstrate self-preservation and self-control.
- commitment to goals is determined by the reward associated with achieving them;
- under proper conditions, a person acquires the ability not only to take responsibility, but also to seek it;
- the ability to demonstrate a relatively high degree of imagination, ingenuity and creativity in solving organisational problems is widespread among the population;
- in today's evolving technology landscape, the intellectual potential of the average person is only partially exploited.

Everything would have been quite depressing if it hadn't been happened for William G. "Bill" Ouchi, to combine feature characteristics for representatives of Y-managers with specifics of Japanese management model later, thus, invented theoretical model of Z-type manager. Their leadership views are much closer to those, who, than, been called "millennials":

- people are motivated by a strong desire to be part of a greater whole;
- employees are looking for opportunities to take responsibility and are interested in getting promoted in the organisation;
- through teamwork, employees are satisfied and contribute to the achievement of the organisation's goals;
- employees, studying different aspects of the business are in a better position to help achieve a wider range of organisational goals;
- by demonstrating commitment to long-term social security, organisation promotes greater loyalty and commitment to greater productivity and success.

What kind of leader would you assign yourself to? And your ex-boss? What about city major or president?

Leadership Styles

Similarly to how multiply repeated action becomes a habit, and so all habits combined constitute a person's nature, so to well-established managerial stereotypes, which had received a positive emotional and material reward, when applied regularly, has become leadership practices, and later, hopefully, - individual leadership and negotiating style. Three leadership styles currently recognised in global management - authoritarian, paternalistic and democratic.

Under an authoritarian leadership style, the focus is set to the work itself and all efforts are directed towards ensuring that the task is completed. It implies one-way communication pattern from manager to subordinate, while the leader's main concerns are the work process, the workplace management and the barriers to goals achievement. While this style of management is effective in coping with crisis, it is often used by some managers regardless of the situation. Who would that remind you of? Not surprisingly, this style is typical for managers of X category, who also believe, that the timeframe and degree of concentration on task should be compared to the characteristics of employees who are involved in it.

Paternalistic style combines task orientation and employees caring. This style advocate expects high productivity in exchange for job security and benefits in the form of medical care and pensions.

The best analogy for understanding this style is parental custody: it combines rigour and care, and in the case of an organisation, the best example for it is when you are being fired, but promised to help find another job. Paternalistically managed organisations still have little trust in employees and manipulate their economic needs and ego, and the amount of vertical communication from bottom up tends to nothing. Denmark is an example where you can observe this phenomena on governmental level.

Democratic (participative) style of leadership is characterised not so much by the focus on the task and survival as a result of its performance, but on the people who perform it instead. An engaged leader encourages self-control, and power in their organisations is as decentralised, as possible.

Leadership in democratic style is most commonly found in high-tech companies as well as in creative teams. A representative of this style of management can easily spiel a real presidential speech, that makes you listen to his or her every breath and makes you want to become better every day, than you were

yesterday, and five minutes later could be found in a company of the same people, although no longer in a conference room, but a pub. cadging a cigarette off his inflammatory speech listener. In such organisations, decisions are most often made in a collaborative manner, and the functional distribution is highly interchangeable and might be as flexible and relative, that should be better associated with temporary roles, than positions. Many of the advantages of this style are determined by the commonality of goals of the organisation and its leader.

In general, in order to calculate leadership style, several universally accepted indicators were discovered, which are best understood by the content of the following questions:

- ability for leadership and initiative: do people, for the most part, prefer to be manageable and not ambitious (Theory X) or can the proactiveness be acquired regardless of inherited qualities (Theory Y)?
- assignments and information distribution: people should be provided with information in completeness and details, which is required for performance of a specific task (and no more than that), or general instructions would be quite enough?
- engagement: should practices of democratic governance be supported?
- internal control: is control best achieved through the “stick-and-carrot” approach or through self-organisation and self-monitoring?

Unlimited value of these questions lies in the wide range of findings, that universal negotiator can get and calculate from the very little piece on answers of them alone, for example, by learning whether an organisation has a shared knowledge database or not and how access to it is particularly shared. By analysing prospect negotiating partner's leadership style, we can make serious progress in understanding his or her vision, and thus, anticipate possible failures in reaching agreements.

Corporate cultures

For practical reasons, prior to engagement with any company, it is incredibly useful to identify three main components within its functioning demeanour, which determine company's corporate culture:

- a. Principles on which relations between the company and its employees are built (personality);

- b. Company's organisational structure (hierarchy), that defines the core and essence of functional relations between managers and subordinates;
- c. General vision of the company's employees about the goals, purpose and their place in the company's management system (concept).

When assessing these parameters of the company's corporate culture, creative negotiator can get started from two major indicators: equality-hierarchy ratio, and task-or-personality target allocation. Depending on the degree of impact, to which these elements developed in communications within a company, the following universal types of corporate cultures are easily distinguished:

Family (as we know Russia from the time of Boris Nikolaevich),
Eiffel Tower (any crown corporation),
Guided Missile (any class legal firm)
Incubator (NASA).

Effectively, there are not so many companies, representing one organisational culture only in its pure form, at the same time, understanding the basics of their classification helps to make quick and accurate assumptions about variety of employee's relationships within the company, decision making procedures, way of thinking, information exchange, potential ability to learn, changeability, motivation and conflict resolution policy, - that is everything we need to know prior to active phase of negotiations.

When considering the types of organisational cultures (classified according to Fons Trompenaars), our professional goal is to find out possible communication models in relationships between its employees and leaders, to provide insight into psycho-emotional environment (motivation) in the company and its mobility in terms of adaptability to complex transactions and changes in general, as well as to prepare to make the most accurate assumptions about the causes and origin of communication problems in order to, eventually, build an optimal negotiating strategy. Moreover, as practice shows, that the world economy itself, as a whole, is in one way or another, organised according to the clan-industry principle. Let us try to slice and dice it.

FAMILY

Characterised by a high degree of hierarchy and individual orientation, they are led by caring leaders ("godfathers"), who know best what their employees really want, - family type companies resulted to become a ground to the cult of power. It has been noticed that this type of organisational culture is inherent not only in for countries, such as Italy, Turkey, Pakistan, Venezuela, China, Hong Kong, Singapore, but also business sectors such as construction and waste

management. So, if you were invited to consult a developer in Pakistan on a furniture deal (forget furniture, - of course, weapons) from Turkey (well, yes, Russia), it is easy to guess, that any attempts to make a contact with those who are not family members of those companies shareholders are completely pointless in the literal sense of every word.

In companies of this type of culture, the staff not only respects management, but also rely on mentoring and approval from them. In return, management widely demonstrate concern and responsiveness, and does best to ensure that they are treated well and their employment is secured. Family's another feature is the strict adherence to customs and "club" traditions with a high entry threshold. Being well-established, this model designated to work as a catalyst for the family members' drive and appeals to their deepest feelings and motivation. Otherwise, discord may begin with the loss of loyalty to the "father of the family" and inefficient waste of resources.

Managers from Western cultures, known for their own human resources evaluation system, based on their abilities and achievements, in a contrast to their age and position, have nothing but shrug their shoulders, in cases, when at their company's foreign department, its management appoints relatives to a higher and sensitive position, while candidates with higher qualifications rejected. There is nothing to be done when it comes to companies with strong family ties, - the guarantee of the employer's loyalty and job security are of highest priority for its members.

A classical example in this context is the young account's appointment to the CFO position into a \$15 million joint venture by the Brazilian owner of a large production company "Petrabras". What a surprise it was for the Danish delegation when they were told that recently graduated alumni, was the best candidate out of all 1200 employees, as he is the nephew of the owner. "Who can be trusted more? Please don't complain, it's good fortune he wasn't busy with other things", the Brazilian partners advised.

When resolving conflicts in a company of this type, it should be understood that the reaction to internal criticism here is mainly based on the principle of "if you are hit on the right cheek - put your left one on", and in general, in this business series, humiliation of family members is not allowed.

EIFFEL TOWER

Relationships in companies organised according to the Eiffel Tower type are characterised by a large stake of hierarchical and task-oriented communications. In this organisational culture, official duties are clearly defined, employees well

aware of what is required from them and everything is coordinated from above. All facial features of the Eiffel Tower are elongated, - narrow at the top and wide at the basement.

Unlike the family structure, where the leader is revered and treated as the source of all power, the person at the top of the "tower" position can be replaced at any time without compromising the efficiency of the company. Since in companies such as the Eiffel Tower, status is determined by position, during a golf game with a subordinate, the boss will never be allowed to feel like a loser, if such a game may take place at all (due to the risk of negatively affecting the rationality of the relationship). In other words, in such organisations, formalities go off-scale and nothing is personal, it is just a business for the sake of efficiency: each position at each hierarchy level is detailed and ranked in terms of complexity, labour intensity and responsibility, linked to the amount of money reward.

When the time comes to find the right person for the position, arranged in this way, the degree to which the personal skills and characteristics of the candidate match the requirements for the vacancy are taken into consideration the most, so only appropriate position is awarded. The same applies to the process of assessing and promoting internal staff.

Development and changes in this culture in general are not the same as in the Family, as in this case, it means acquiring the skills to meet job requirements for a position or qualification. To maintain this bureaucratic system, various evaluation centres and programmes, as well as staff development trainings are actively utilised, and when it comes to serious reforms, all procedures, job descriptions and programmes have to be reviewed and rewritten accordingly.

Organisational cultures such as the Eiffel Tower were initially most widespread in the countries of Northwestern Europe, in particular Denmark, Germany and the Netherlands. The prevention of conflict of interest is carried out according to the same procedural principle - there is a special policy for each case, so internal "horizontal" criticism, as it is not stipulated by procedures, perceived as nothing, but irrational behaviour.

GUIDED MISSILE

Contrary to previous one, relations in teams, assembled in "Guided missile" manner, are characterised by concentration towards equality among team members and task performance at the same time, therefore such model of internal communications is often used in project teams, so that collaborators are not limited by instructions, and do what the current task requires to do. Historically, the name of the organisational culture invented in NASA during

the teamwork of dozens of engineers of various specialisations in space trials of guided missiles and, later, - during construction of lunar rovers in USSR. The main characteristic of any project team, such as "guided missile" is that all specialists, involved in a common task, work in close cooperation and friendly collaboration, for a simple reason that it is never possible to assume in advance, whose particular contribution will eventually become the most critical for the entire project and at what exactly time and point. In such a culture, symbolic hierarchy is inherited, however, a special role is devoted to individual professionalism and experience, at a time when respect within the team members and mutual help are highly appreciated.

Change management in "guided missile" companies is fast and efficient: after one task completion, team is reconfigured for the next, so that people move from one group to another, while remaining committed to the area of expertise and project goal, rather than the organisation which they work in.

Social individualism of this type of culture provides effective project (temporary) cooperation within people of different specialisations. Even if, in the run of the project, team members intensely swapping, sense of unity among people with different specialisations is supported by a common desire for personal development. Conflicts are precluded as such. At the heart of the project is the enthusiasm of all and everyone tries to enjoy the process on the way to the ambitious goal of creating something innovative. Knowing that the "journey" may come to an end at any moment, team members try to avoid close personal relationships and more often communicate in the language of the project, while satisfaction comes from their personal contribution.

Constructive work criticism is massively welcomed, and once recognised, is taken into account immediately. Mm.. Perfect!

INCUBATOR

Corporate culture of the "Incubator" type is characterised by priority for equal relations and a focus on the personality. Being based on existential idea of organisations' secondariness with respect to the mission of meeting persons' needs in them, - such an organisational culture stems from the assumption of incubator's designation to serve the most comprehensive self-expression and self-development of its inhabitants, as a result of which the formal structure in them is expressed extremely weakly. The main communication subjects of "incubator inhabitants" are, as a rule, issues of coordination, criticism, development, search for funds or support for the complete development of an innovative product or service, so they are implemented in companies at early stages of development - "start-ups". Incubation cultures are most often found in

entrepreneurial, creative teams of people, who have recently graduated from companies of the Eiffel Tower type, suppressing their creativity and, inspired by the desire to reach their full potential.

The main driving force behind participants in incubators in the first phase is the emotional commitment to what they are working on, be it a genome splitting task to prolong life or an social project to build a platform for a new era of economic relations, so frequent rework and underfunding are commonplace and are not subject to conflict.

As soon as there is a breakthrough in development and the company acquires stability, the second stage begins - commercialisation, which requires new specialists to be formalised in procedures and a smooth transition to one of the other standard corporate cultures.

Obviously, an incubator culture is highly adaptable to changes - often spontaneous and fast. The participants of an incubator team may not have a ready-made product or clients yet, so the main field of communication is defined by the need for regular reformulation of the task, joint development of solutions and ways of applying these solutions. The concentration of power on oneself or the desire for enrichment in such an organisational culture is unknown, but the eyes shining with happiness at the 70-hour business week schedule are quite ordinary. In contrast to others, in an incubator organisation, leadership is determined by achievement, but not appointment.

Since the main debate in the hottest moments of communication is the discussion of ideas, and good ideas are rewarding - they are not rejected, but instead, offered options for improvement.

Part 3

Cross-cultural cooperation

Fact: Ultimately, humans are more alike, than different.

Times came, when it has become uneasy to find an Irishman in Dublin, and culturally homogeneous society could be found, perhaps solely in Saudi Arabia, Japan or Iran. While communicating with people of different origins, it is impossible to deny a pleasure of paying attention for how drastically they can differ in communication style (for instance, in Canada, request for coffee might be easily ignored if not accompanied by the tirade of politeness), time perception (if, for the American, time is money, then, for the Asian, all life is just a moment) and innumerable social patterns.

Thus, an ascetic society type (that is of communities, where a person's social status is determined by kinship, gender, age, etc. as opposed to personal achievements) would certainly feel offended, if much younger delegate, than oneself, shows up for the meeting. Furthermore it becomes even more interesting, when it comes to big money or life at stake, where the risk of not being understood is much higher. So, if you are involved in negotiations with representatives of different cultural traditions, especially in a language, that is not your native, it is strongly recommended to:

- not jump to conclusions about your partner's origin (name, appearance, language, pronunciation and communication pattern may not be relevant) - your vis-a-vis may be of more than one country;
- not assume, that only business qualities (as is common in Western countries) are a priority in communication - in Arab, Asian or Hispanic societies manners, expressiveness, way of thinking and even smell are of more importance;
- try to counteract the tendency to communicate with simplistic phrases, jargon and templates (the more accurate thoughts, the less reason to lose an already precarious understanding);
- do not forget, that norms of communication among fellow countrymen may differ significantly, when communicating in a multicultural environment (for example, it is not appropriate to use a language that is not familiar to anyone in informal conversation).

Despite intensive cultural globalisation, each country still has its own traditions of opening statement, etiquette during business and cultural events. Knowledge of some important features of these traditions can make communication more effective and simple conversation - more relaxed.

USA and Canada

North American negotiators stand out in a way, how they negotiate deals. Contemporary manager from the USA tends to juggle facts and be as objective as possible, experience great professional pleasure, when he manages to resolve all the issues immediately, on the spot, so he always comes to a meeting with proper authority and willingness to sign all the agreements as soon, as all the concessions are made and feels absolutely happy when he has met his own deadline. The most remarkable difference in Statesman's and Canadian's attitudes, in general, defines by Second Amendment issue, whereas for typical Canadian - politeness is his main religion and weapon.

In general, North American negotiator's archetype corresponds to the image of "salesperson", that is an individual, who tends to "create" emergency in any managerial situation.

Tip: When in multicultural environment you are treated in disrespectful manner, ask a person, could he or she be more polite when (fill in the blanks) and see if interaction deserves itself without necessity of lowering a bar of its sophistication.

Saudi Arabia

Contrary to that, at the active stage of negotiations Arab managers tend to engage emotional component and a great deal of subjectivism in the process, including deadlines. Paying enormous importance to his status, personal relations and hospitality, Saudi representative often makes an extremely high or low first offer and enjoys demonstration of generosity, especially in response to mutual concessions.

China

Of particular interest is behaviour of Chinese colleagues in negotiations area, deep religious wisdom of which penetrating not only everyday life, but business too. At a certain momentum of their development, having realised complexity of cultural Chinese barriers towards economic cooperation with them (language, time difference, the wall, finally), Chinese decided, that world changes are better achieved by changes in themselves first, so they fully focused their foreign economic affairs efforts on creation some sort of comfort for their international partners. For the beginning, they all would first learned English,

Arabic and Russian languages, and then put up a network of communication agencies, which aim to consult on how to do business with them. Completely devoid of geopolitical ambitions, Chinese managers, being very polite, act very rationally. Their main negotiation "weapon" is the protocol of intentions (meeting memorandum), which they pull out of the sleeve the day after seemed to be "informal" meeting, where you have already happened to set out the purpose and content of the negotiating position, the point of which will be immediately outlined, if anything about it "suddenly" changes later.

*Fact:
40% of landowners and owners of other types of real estate
in the world are ethnic Chinese.*

Commonly to Chinese and Arab negotiators to act in a manner of making extremely high or low first proposals when discussing trade deals, all while North American and Saudi negotiators normally share desire to come to an agreement at any (to a certain extent) cost.

Japan

The East is tricky, they may say, when it comes to Japanese culture, in particular, which is famous for its fanatical diligence and patience. For negotiators this is the key to professional achievements. Besides the fact that Japanese society is considered relatively closed to tourism and immigration, effective business negotiations without a thorough look on national business culture and social traditions are hardly possible, even if an internal consultant is hired. Fortunately, negotiators have developed several proven practical recommendations that are applicable in vast majority of Asia.

Thus, before the first contact, one should be patient and be as sincere as possible, since negotiations in Japan are fairly understood as a two-way street, that requires cooperation and efforts to achieve harmonious relations on both sides. Traditionally for Japanese society, leadership style is qualified as paternalistic, while corporate culture is typified as a "tower", - so almost certainly your negotiating partner would not have full mandate over every issues under discussion and agreements reached will have to be agreed with the head office afterwards, so it is not necessary to rush into interpretation of such a delay as demonstration of insincerity.

If the subject of the negotiations is import deal, it will be easier to get into the market. If your product or service is absolutely unique to Japan, especially if it is

technology and you know the ropes.

During active phase of negotiations, Japanese managers, who are hyper dutiful about their jobs and companies, tend to assure themselves by demonstrating their ability to earn and use power as a tool of self-confidence maintenance - and they are always grateful listeners, who count on the mutual respect of their own verbal way of expression.

NB:

Understanding what your negotiation partner's self-confidence is based on is the key for the common ground landscape.

Strength of Japanese negotiating team might be demonstrated in well crafted pauses in verbal communications, that unconsciously provoke the other side to speak more than one intended, whereas the weakness - is the inability to maintain visual contact. Feedback from fellow countryman on the experience of doing business with a foreigner is as important to a Japanese entrepreneur as their own opinion.

An amazing feature of Japanese negotiators is their inability to say "no" - either because of the peculiarities of language or mentality. They would rather go with eight preposition monologue, than simply say single "no".

France

Business people from France, like pretty much other French people, are knowingly self-loving and stingy, value time and act quickly, whereas a 5-10 minute delay consider acceptable. At the first meeting, a handshake and addressing by title plus last name are accepted. A farewell handshake is also normal.

Managers of French companies prefer not to mix business and personal life, so most business and entertainment events are held in a restaurant or club. A gift to your partner will be accepted with gratitude, if it is focused on intellectual or aesthetic needs and is not related to the business you are discussing. Discussions on politics and business are not welcome. It is better to back off with humour during formal negotiations at yearly stages. French negotiation culture, together with business and legal vocabulary, is largely borrowed and harmoniously implemented in contemporary western (Canadian included) business etiquette.

Germany

Normally, it is comfortable to do business with company executives and officials from Germany, although they know for sure that Hitler was not too far from the truth in his believe that all Germans are exceptionally brilliant, so all that left is to blame British for the extinction of their national breakfast culture. They prefer to be addressed by title, until they themselves are offered to do so by name. Business meetings are arranged well in advance. Punctuality is, of course, highly valued, but contrary to the stereotype, Germans do not tend to hide their emotions. Just like French, German managers usually do not give home visits to clients, so exceptions should be considered as a special personal privilege that involves receiving a thank you letter or note from a guest upon completion.

Tip: thank you letter is an excellent practice for any intercultural communication.

England

In England, it is common to shake hands and introduce yourself by name at the first meeting. Contrary to stereotype and contrary to what is usually done in France and Germany, - English managers are often a little late and invite business guests to their house. A souvenir in the form of flowers or chocolate will be welcomed. A business suit and tie will not be exchanged for any other type of clothing, regardless of the reason for leaving the house, even if it is cricket game. And yes, ties with stripes are special - it is suitable exclusively for British university graduates or members of private clubs. Yes, and it was the British, who spread the tradition of no-politics, -religion and -rumour about the British monarchical family during social events policy, however they may themselves initiate a conversation if they are interested in the opinion of its participants. British negotiation tradition has been adopted in many ways in the manner and culture of business throughout North America and beyond.

Italy

In most cases, in a company with representatives from Italy, by analogy with the French tradition, it is appropriate to address by title and surname, and if interlocutor is a university graduate, - title of Dottore is added. A handshake is also appropriate.

Note: historically, a handshake is just a demonstration of weapon absence.

Business meetings are scheduled in advance, while punctuality is not presumed. It is common in Italy to discuss business in offices, so subsequent invitation to the restaurant is designed to strengthen personal relations, rather than to continue negotiations, which surprisingly echoes the negotiation tradition in the southern regions of Russia. If a foreigner is invited to an Italian's house, a bottle of wine or chocolate would be a good idea for a gift, and the subject of conversation would range from business and family to cars and football.

Spain

In Spain, as in most Central and South American countries, it is common to introduce oneself and to address by name in any situation, whereas close friends usually welcome each other with hugs. Do not be surprised by the feeling of being frisked, - it is still a hug. Meetings are scheduled in advance, - the attitude towards punctuality is not fanatical. If a partner is invited to the house, it is also appropriate to present flowers or chocolate. If invitation includes lunch, the discussion does not begin until the coffee is served. During informal communication it is not customary to talk about work, family or religion. It is curious to know that Spanish is also spoken in Mexico, Panama, Argentina and Venezuela. Taken into account that Portuguese, which is spoken by the rest of South America, including Brazil, refers to Spanish as Russian to Belarusian, - it is easy to understand why BRICS union is in fact remarkable in scale.

Bulgaria

Apart from any other negotiating culture, although within Eastern European department, stands out Bulgarian communication tradition. As one friend of mine poetically put it, it is easier to make a deal with an alien, than Bulgarian. Well, of course, given that you are dealing with mind reader, it might be challenging, especially, if he or she is infected by low self-esteem complex (which is absolutely groundless), burdened with “the few, the proud, the marines” attitude. I personally can be biased as obligated to Bulgaria some of my happiest times, anyway, in general, I have never met people, that are more kind, wise and talented, as they are.

Moreover, besides eye-contact, which is predominantly preached by westerners, Bulgarians used to establish heart-contact, so they are able (and prone) to make decisions both on mental and intuitive levels, meaning that, if any of these sensors fail to get their “dobro”, - a deal will most likely not get through, or will be considered as non-grata and, therefore, overpriced.

Another absolutely astonishing feature of Bulgarian negotiating style is “no “no” policy”, - as I called it. It turned out lately, that the reason for this communication trick is to allow themselves to keep their options open, instead of cutting off potential opportunities by saying direct “no” and turning partner into counter party. Normally, no business decision is made apart from face-to-face conversation. Handshakes with women is a norma and common European “duty”.

For European negotiators in general it is common to play “bureaucracy game” no matter status, gender and education.

Part 4

Tactics & manipulation

While most of the tactics are essentially manipulative, there are several practical ways to ensure constructiveness of upcoming caucus in the context of international negotiations, related to location, time constraints and status specifics in different countries.

VENUE

The location of negotiations is the first topic to be discussed before meeting. While it is absolutely true, that east or west, home is best, - for international practice the best choice is neutral territory at equidistant proximity for all sides. First of all, such a solution provides equal conditions for all participants in terms of access to the head office and its information and administrative resources, and secondly, it incentivise efficient time allocation, as long stays outside the home zone are usually not cheap, so everyone is motivated to come to an agreement asap. Moreover, no hunter loves going home empty-handed, so everyone has their incentive to ensure, that negotiations would have gone as productive as possible.

TIME

Dead lines - a favourite productivity “recipe” of North Americans - work equally well in relations with foreign partners, as well as for domestic negotiations. Upcoming family weekends, booked flights, scheduled court hearings and related meetings can work as objective adjustments for the agenda timing and the meeting duration itself.

NB: 30 minutes is the longest sufficient active negotiations timeframe.

STATUS

Statuses of suppliers and buyers are not equal in international business practice. If it is enough to be open-minded and make concessions (which is assumed to be normal for the other party as well) to quit the table with a sense of accomplishment for a sales representative from the U.S. or Canada, when negotiating a supply deal, - then in Japan, for example, it is believed, that buyer is in a more privileged position and should receive more from negotiations, than seller, and his main concern is to make sure that seller was not strip naked. If faced with Brazilians, this is not the case, because they believe, that things are going well, when they manage to behave selfishly, whereas their partner - is

opened to cooperation and sincere cutie. In Brazilian business environment, it is also normal to evade any kind of promises and commitments, to say “no” often, although they do not mind taking the first step towards affinity. In general, Brazilians, far more than Americans or Japanese, are trying to maximise their benefits and do not bother themselves to do business openly and honestly, so, whether they are sellers or buyers, they want to get out of negotiations as winners.

PRICE

Just as action or inaction can have legal effect, so too for negotiations, along with verbal rhetoric, the non-verbal plays a big, though not decisive, role. Practice shows, that, in general, when the main quantitative parameter in discussion is the monetary value of transaction (price), final agreement will be advantageous, if negotiator makes the first offer inflated.

Why are extreme initial offers, popular among Chinese and Arabs, likely to bring the best end result? Firstly, in this way one side demonstrates to the other, that the renegotiations are not intended to make a bondage deal (in regards to other terms the contract will most likely be fair) and the game will be played on terms of business as usual. Secondly, this technique stretches out, but at the same time concentrate negotiations on same point, which allows to deepen discussion towards related issues and thus, to learn more about each other and positions of the parties. Thirdly, it is obviously an opportunity to steer the negotiations in the direction of mutual concessions from the very beginning, and ultimately to gain more, than if the first offer were lower.

Joke:

“- hey man, how much is the rooster?

- 50,000.

- What's so expensive?!

- Never mind, just short in cash.”

An example, that officially became a part of a history, is the case, related to a fee negotiation, due to U.S. Olympic Committee favour for the right of the Japanese television to broadcast the Summer Games on their country's territory.

Chairman of the Olympic Committee of the Games in 1984, counting on a fee of about \$ 10 million, in response to the first 6 million offer from Japanese, announced a price of \$ 90 million, and negotiations ended in the sum of 18 and a half. In total, committee has earned hundreds of millions in contracts with various countries.

In addition to the "first offer" tactics and questions, blown to influence the negotiator, other rhetorical techniques are also actively used to effectively counteract them, which are important to their preventive recognition (awareness), or better, to have a pre-prepared response tactic, which is developed in practice and is part of the negotiating style.

MANIPULATIONS

Since manipulation is the main obstacle in the transition from taking advantage from a neighbour back to serving him, we should focus on how to define manipulation and how to resist it most effectively.

Here is comprehensive list of manipulations, used verbally or not, either intentionally or due to cultural and historical habits:

Verbal:

- Promises
- Threats
- Recommendations
- Warnings
- Praises
- Positive social assessment
- Negative social assessment
- Commitment
- Self-disclosure
- Commands
- Refusal

Non-verbal:

- Silence
- Ignorance
- Mime
- Visual contact
- Tactile contact

Another primitive communicator indicator is interruptions and a tendency to speak at the same time as the interlocutor. Along with those cases, when the partner does not welcome the interlocutor in response (including correspondence), this is an obvious sign of X-management representative, who prefers functionally vertical communications. In addition, such behaviour may

indicate his or her confidence in a superiority over the other party, which makes dealing with such negotiators undesirable.

Basically, it is reasonable to assume that manipulations are any rhetorical method (including false statements) that has the purpose to influence the behaviour of the object of manipulation in favour of the manipulator. We are manipulated everywhere, starting from our childhood ("don't go there, or else Bogeyman..."), in our youth ("do you love me?"), on the street ("Your freedom! Take it for only \$15 a month..."), at work, in politics, religion and so on. You can manipulate not only words and text, but also intonation, gestures, combination of colours, localisation of the image on the TV screen and so on.

The word "manipulate" in an unprintable conversation without harm for its meaning could well be replaced with the phrase "screwing over", which is more commonly used in my homeland. Moreover, unfortunately, in everyday business and political reality, the winner is the man who is better "developed", than his competitors in this (or her) manipulative skills.

As for myself, for example, I proudly ashamed to tell, that I practiced something alike "window-dressing" by making counterpart's confident in "their" decision to include in contract the term my client and I needed. The wording of this term I would prepare in advance and lead them to the "impassable" in other way solution. Unfortunately, when you are small business, making a deal with monopoly, - economic survival of another party otherwise is simply not doable. This is an example of handling manipulative ambition of the dominant counterparty to impose its decision only (in accord with the ancient Slavonic method "Whoever comes to us with a sword, by the sword will perish"). The principle of this manipulation is simple. It takes to identify the most active self-assertion zone (an ego related weakness) and let it be satisfied in favour of common good. Good.

Case study:

One example of the depth and scale of this problem, related to business, can be described by French by origin, and than Germany owned company named "OTTO", which once actively was presented in Russian market. The essence of their international e-commerce "business" was to remotely sell low quality goods by catalogues, delivered by post offices to pensioners and other vulnerable community members. The business model was based on inaccessibility to some of consumer goods, due to their remoteness from capital cities. Scientifically-based, specially developed expensive extraordinary aggressive marketing strategies (for example, they would send nominal notices, signed allegedly by director about a prize and a money

transfer on the their bank account a sum of million roubles under small condition to make an order for the sum not less than 5000 roubles). Shipping process of the poor quality goods, marked with famous brands, was organised through third entities, formally not liable. Colouring, layout and text formulation in catalogues, lotteries and mailing lists was developed in specialised scientific consulting marketing agencies based on the latest achievements of specialists in neurolinguistic programming. The company itself hides behind ever-changing names of legal entities and ennobles its catalogues with the logos of international charities and environmental foundations, for the use of which, of course, they made regular "donations". In short, our grandparents, who defeated Nazis, still have to fight against elite degenerates, and on their own resources. Anyone unaware of how major banks are not different in this way?

As at is in this case, at this very low level of communication, the most optimal instrument of counteracting manipulation is the awareness of the whole variety of ways to impose someone else's will, and the first stage in this process is to study ways of manipulation in practice and theory. The "good" news is that nowadays we have enormous amount of "educational" material and book shelves are full of sales techniques. These are not difficult to find - usually they are located opposite to literature about religion, which is, by itself, both disgusting and incredibly natural.

Anti-manipulation countermeasures vary depending on the context. In any case, massive use of clarifying questions, along with questioning tactic, aimed at obtaining feedback, will always be beneficial, as it sheds some light on what is said before. Under the influence of manipulative partner in general, the best option will also be to avoid rushing into agreements and promises.

Practicing "three actions" (described earlier), along with regular meditation, which allows us to develop ability to stay a little bit "above" (that is impartial) of any competitiveness, - and thus prevent to be pulled into someone else's load of mental crap.

Further more, having a skill of being permanently aware of an attempt to manipulate mastered, it is not worthwhile to counteract their manipulation with yours, and thus enhancing destructive momentum with your own efforts and energy. In fact, it is necessary and sufficient enough to break this vicious circle on an individual level (by means of self-turning) with the use one of the following methods:

a) Awareness of the very attempt of manipulation during the active process of verbal communication.

In this case, if manipulator himself is sensitive enough, he or she will definitely feel it, and you can notice it by the change in mimic of this person at the moment when you are clearly aware of the whole message on mental level.

From the next moment on, it is appropriate to take initiative and build a conversation on a parity basis. That is, hey dude, your attempt is failed, so we gonna play fair.

b) Direct disclosure of manipulator during verbal attack.

If your companion is less receptive to changes in the subtle plane, let him feel who he is by stating what is happening directly. For example, you have noticed that your partner tends to make people around feel guilty, in order to further exploit the sense of guilt. Feeding back directly to such a person about your observation will definitely lead to the termination of this sophisticated method of domination over your personally. In case, if the person did not realise what he was exactly doing, your disclosure most likely will lead to a change in his communication patterns, and, who knows, the whole model of relationships in general.

c) Conducting one or a series of spontaneous actions.

Statements or actions that go beyond standard or predetermined templates and aim to return the communication focus to the "here and now" position could break the chain of manipulation and "sober up" manipulator. For example, a simple glance at your wristwatch will show your partner that you are not only mentally in control of what is happening (staying above the attempts to take you in an undesirable direction - as it is in tip number 1), but even got a little bit bored. A cool example of this behaviour is demonstrated by the creators of the movie "Aviator" in many of its episodes. Verbal asymmetric improvisation will also prevent you from a plan to narrow thinking down to what they are looking for. Being unpredictable with a counterpart, who uses manipulation techniques on you, mean being invulnerable.

Geopolitics is yet more abstract. Indeed, you can be as perceptive and conscious as you want, however there is indeed nothing to oppose to global manipulations on an individual level. The simplest example of manipulation of mass consciousness in politics is the interpretation of Russia-U.S. (NATO) relations in the media, in particular, instances of our military fighters flying over US destroyers. The very fact of such overflight is interpreted by mainstream media as "Russian aggression", followed by international norms and statements of well-dressed people confirming the main thesis. So, after watching the story or reading an article, desired sense of "Russians are evil" is created, while only few people apt to pay attention to the fact that warships are cruising right in

LOW COMMUNICATIONAL LIFE INDICATORS:!

1. SUBJECT MATTER SUBSTITUTION!
2. MISCONCEPTION
3. COMMUNICATIONAL CHANNELS' VARIATION

close proximity to the borders of Russia, which in fact is central factor. Indeed, the mission of bad media is not to report facts, but to play our attention over them in order to purposely hide undesirable in favour of prepaid ones in the context of the same event.

That is why, in any negotiations it is important not only to know the facts, but also to understand the trends, that linked to these facts (economically, financially, politically, and in any other way), which makes it possible to assess the whole "picture" and, again, to stay impartial.

While the meaninglessness of counteraction to all manipulations is quite obvious at once, significance of a single, at first glance, small "victory" through the harmonisation of a concrete communication is clearly underestimated - the establishment of feasible agreements (as well as the refusal to set up an bondage deal) is the smallest consequence of subtle changes, the limit of which is only our desire if heaven on Earth is ultimate goal.

In general, consciousness, spontaneity, and a little bit of simple humanitarian towards even the most unsympathetic counterpart in negotiations guarantees kicking the rotten ground out from under any, even the most hardened manipulator.

Part 5

Collaborative negotiations

Note: Good negotiators build trust, while great ones build others' self-confidence.

Perfectly arranged negotiation process, regardless of their subject matter and personality of their representatives, constitute several fundamental stages (which are not rigidly tied by exact order), the first and foremost of which is planning. Here is universal strategy, appropriate to any collaborative project.

Move 1: PLANNING

Planning or preparing for negotiations is of such an important and multidimensional phenomena, that it could take more than just one book to talk through about it with due diligence. In some negotiations it would not be an exaggeration to say, that they were so special, that their participants, directly or indirectly, have been getting ready for it throughout all of their life experience, so here we elaborate on the most important elements only, - the first of which is defining the goals, that negotiating party wants to achieve.

No matter how effective your improvisation in the direction towards the final goals of negotiations, it must be concrete and tangible, even if tangibility is displayed by promises, fixed on paper. Once goals are defined, creative negotiator investigates all possible options for their achievement, including those that contradict morality standards and ethics (solely for the purpose of giving flexibility to one's own thinking process). Practice shows, and theory follows, that the more options are formulated, the greater chances of achieving the desired goal. That is how negotiator makes sure he or she will feel comfortable in any communicational intersection possible. Following the moment, when optimal goal of negotiations and the corresponding golden traction towards its achievement are blossomed in the imagination, first rudiments of the negotiating strategy comes before us. This strategy is subject to change as the process of negotiations development and newly discovered circumstances are taken into account.

At the next point, when every involved party's vision identified, an area of common interests among the parties are hypothetically explored, which is then, given the greatest, if not all, attention during the active phase of negotiations.

Prior to the first contact with the other side (its representative), it is also crucial for oneself to define parameters to be negotiated and the limits of these

parameters (conditions) of proposed agreement - such as concession limits, beyond which negotiations no longer make sense. For example, if amid the entire deal structure on the acquisition of the company your priorities are the size of the shared capital (the number of shares in percent) and procedures, provided for a phased payment, then, at this stage, for example, preliminary decision under no circumstances to discuss the purchase of less than 25% and payment mode, binded by a single-time transaction, should be made.

At the planning stage as well, it is useful to work imagination out on expected consequences and resulting give outs of mutual concessions. Yeah, quite an introvert's game. It is also reasonable to assume that it may be unrealistic to foreseen the exact order, in which issues will be discussed (normally, from urgent to very urgent) at the outset of the preparation, although the extent to which the process is manageable, depends on the precision of assumptions, inlined in your agenda.

Move 2: ESTABLISHMENT OF RELATIONSHIPS

Whichever way the first communication act with the intended partner took place (by phone, Twitter or in a restaurant) and whoever the contact is, your "dance" is in full swing and the ability to artistically charm the partner with informedness, businesslike manner, politeness, consistency and sense of humour at the same time, - depends on whether it will be a harmonious salsa or multi-step gopak. During "intro" part of the dance, circle of decision-makers should be determined and a trusting relationships established with those, who deserve it. While you are having lunch, walking along the corridor, riding in the elevator on the way to the negotiation room, the negotiation process have already begun - harness these moments for a gentle flirt-like lead, so that you create a pleasant afterglow of communication with you.

Move 3: DATA EXCHANGE

The more openly and thoroughly parties express their positions on the substantive issues of the project, the less likely it is that the negotiations will be rounded off forever at this next stage of data exchange. It is the matter of how much parties willing to disclose their vision of the case circumstances (and proofs of these circumstances), actively cooperate towards identification of presumable inconsistencies in facts (and its interpretation) on which contradictions in partner's positions are based, clearly articulate their goals and priorities, demonstrate a desire to focus on common interests and make concessions in what is not crucial - depends not only the possibility of reaching an agreement itself, but potential feasibility of the entire deal. If, at this stage, it becomes clear that an agreement is not achievable, it should be considered as a

positive result of negotiations too, as none of its participants put at risk of being misled and their precious energy is not spent for nothing.

Move 4: PERSUASION

Adored by experts in various types of manipulation, this stage of negotiations is seemed as the most important, however undeservingly. They say, tell the truth and shame the devil, so the best agreement between the best negotiators is naturally achieved by simple exchange of information and depends only on (in descending importance order):

- 1) how well the parties understand each other's positions;
- 2) see the "picture" in its entirety;
- 3) parties' ability to identify areas of common and different interests;
- 4) the ability to generate alternatives to achieve common goals;
- 5) the willpower to work towards a solution to achieve their goals by all parties;
- 6) expertise of the subject matter to be negotiated.

Move 5: AGREEMENT

In all up to date business ventures, the final stage of successful negotiations crowns in written, - whether this is term sheets, memo, treaty, protocol, preliminary agreement, intent or settlement, - depending upon the context and subject matter of cooperation. According to requirements of the diplomatic protocol or peculiarities of business culture of negotiating parties (or simply due to partners will or technical conditions), this stage performs in parts (as soon as the terms of agreement are agreed upon) or in full.

M&As

If international dialogue comes easy and naturally, it speaks not so much about how nice are its participants, but rather about the quality of academic and practical training in cross-cultural relations they have had.

In other words, hidden behind the etiquette "unusual" features of speech pattern and behaviour of different cultures representatives, as well as traditions are easier to ignore and interpret if, and only, when you know about them and their exact meaning in advance. Differences in corporate cultures and traditions of

leaders and employees, even within the same country, are particularly evident in investment negotiations, particularly M&A transactions. Teams' integration is the most vulnerable element in any cooperation, so let us define the main negotiation stages in this type of deals:

- (a) Representatives of both negotiating groups formulate the purpose, objectives and areas of the forthcoming merger;
- (b) Develop a mechanism for identifying and defining the most important elements of organisational structures and management functions;
- (c) Designate those responsible for carrying out tasks, formulated and the resources entrusted for that purpose;
- (d) Negotiate mutual expectations and facilitate effective communication between the units and officials of newly established entity.

Whatever the scale of the merger, in order to ensure the greatest efficiency of the deal, it is best to get rid of the illusion that it is simply about pooling resources and taking a greater market share, since it is, in fact, primarily about assimilating workspaces (jobs and units) with living people, who have never worked in a completely new environment before. In such a circumstances, the focus of company leaders must be on the need to create, support and develop a sense of unity.

E=MC2

Part 6

Legal framework

Hypothesis:

Reverberation in audio production is analogous to legal environment in business communications.

Intentional misrepresentation, lying and deception, bluffing and manipulation may occur on the way to a happy relationship of trust, fairness and mutually beneficial collaborative agreement, and, in case of dealing with a negotiator with a non-market advantage, pressure and blackmail may also take place. On the other hand, even bona fide partners may not envisage some of the variants of their will power realisation or events during already concluded agreement execution or get into unfavourable conditions, caused by insufficient due diligence of negotiating position. Although, in both cases, legal tools alone are not panacea at all, - knowledge and skilful policies application, developed by civil science and practice, allow (to some extent) to restrict unfair conduct in negotiations and provide legal protection for future agreements and creators themselves.

International principles

Unlike domestic, international law is not well-structured enough, probably, because it covers not only policy, which regulates international rules on national legislation level itself, but also includes international treaties (universal, multilateral and bilateral), conventions (The European Convention on Human Rights or the Vienna Convention on Diplomatic Security - are some of them), directives, precedents and so on. In addition, by analogy with domestic legislation, which operates not only regular sources in the form of acts of parliament, precedents and treaties, but also business customs, - international law also includes unwritten rules, resulting from multiple use in international practice.

Fortunately, there are also generally accepted principles of international law, to which not only international norms of national law (including unwritten ones) are subordinated (as a rule), but also allow to explain many of current processes in the world of international business and politics, and thus, to anticipate and enhance the quality of project in general.

Sovereignty principle

Implies that governments have an exclusive right to exercise legal regulation in their own country at their discretion. On the other hand, in a simplified manner, it means that the judicial system of one state cannot be used to administer justice or impose punishment in its relations with another state, unless an agreement developed and ratified between those states. In other words, for example, in employment relationships, say, a US citizen, who enjoyed his legal right to work and fair employment practices in his own country, could not take legal action against a Japanese employer (located in Japan) to demand equal employment opportunities under US law.

The principle of nationality

Implies, that the power (jurisdiction) of each country over its citizens is exercised regardless of their location. Thus, for example, an American manager who violated the American Foreign Corrupt Practices Act during a business trip to China may be held liable upon return.

Territorial principle

Generally speaking, stipulates administration of justice by each state within its jurisdiction, the boundaries of which may not coincide with those of the territory of the state concerned. For example, a German company, selling poor quality goods in Russia may be held liable under the laws of Russian Federation, despite the fact, that the company itself is registered outside its borders.

The principle of protectionism

Establishes, that each state has the right to administer justice in regards to facts, that threaten national security interests, including those outside of its borders. According to this principle, a French company selling secret files about the construction of U.S. satellite systems can be prosecuted under U.S. laws.

Principle of courtesy

Establishes an unwritten international rule of mutual respect for the laws, organisations and governments of foreign countries in administering justice to their own citizens.

Principle of ratification

Establishes the need to ratify any acts of foreign origin in order to give them legal effect on domestic territory. For example, Canada has set limits on the repatriation of capital, originating from foreign countries within the limits, set for different countries individually. A victim of this principle, for example, was the esteemed President of Kazakhstan, Nursultan Nazarbayev, whose development of a shopping mall and investment in Toronto was discontinued in 2012.

Legal traditions

The fact, that importance of formal law in global and domestic practice steadily declines does not make business cooperation any easier, however, on the contrary, makes us to build deeper relationships, to demonstrate more empathy in understanding causes of disagreements and motivation in general, which means that original sources of legal norms, which regulates relationships, will be relevant for their understanding for some more time. Although today, it is already possible to make an assumption about trends in legal arena towards its unification on the basis of shared values and priority for enabling, granting and authorising norms of legislation (instead of the proscribing, sanctioning or restricting) and importance of private and contract law in general, - so far the fundamental foundations of the legal systems of various countries and regions of the world remain to be the legal traditions of the deep past. Among them: Islamic, socialist, English and continental.

Islamic legal tradition

It is the main source of legal regulation for Islamic countries in Central Asia and Middle East and it is based on the exegesis and interpretation of the Koran and teachings of the Prophet Muhammad. It is these guys who believe that justice is done by God only, and when it comes to enemies, their concern is only to let them meet Him as soon as possible.

Socialist legal tradition

It originates in the Marxist socialist system and is the basis for legislation in CIS countries, China, Vietnam, North Korea and Cuba. The main feature of the legal tradition of the socialist system is that most of the property belongs to the government or companies with shared state capital.

English legal system

It is the basis for the legal systems of the USA, Canada, Great Britain, Australia and New Zealand. It originates, of course, in England and English law, which in turn is mainly based on precedent.

Continental legal system

Borrowed from Roman law and used in non-Islamic capitalist countries such as France, South America and modern Russia.

The applicability of this or that legal tradition is determined by many factors, ranging from the willpower of the parties, their nationality, jurisdiction of legal entities involved in transaction, availability and essence of an international contract, etc., whereas legal regulation of transactions themselves is subject to individual consideration.

Contract law

While applicable contract law depends on the will power of parties and specific circumstances, three different levels of negotiation regulation can be conventionally distinguished and guide you, when negotiating any commercial transaction: contract (contractual), industry (professional) and corporate level of regulation.

In English

English legal tradition, which governs contract law and obligations, resulting from damages in tort, includes cancellation of the transaction as a consequence of agreement, concluded on the basis of false statements. Notwithstanding broad scope of such a rule, English (and, with it American, Canadian and New Zealand) common law in regards to negotiations is based on the following grounds, entitle such protection from an unscrupulous partner:

- (a) the false claim must be substantial,
- b) the opposing negotiator relied on false statements in the conclusion of the transaction and
- c) this instance can be proved.

In addition, practice of applying the rule of invalidity of an agreement at negotiations is put in dependence of:

- 1) the nature of false statement - according to the Roman principle of "caveat emptor" (i.e. vigilance of the buyer), it is considered, for example, that modern advertising slogans and "sales talk" is a permissible lie, on which the buyer can not rely when making a deal.
- 2) misrepresentation of a fact or opinion - courts admit that statements expressing opinions may be false. Check out how biased any advertisement is.
- 3) difficulty in verifying a statement for accuracy - so, if both parties are considered equally informed, so false statements of the seller will not entail liability.
- 4) the presence and essence of the consequential disclaimers.

In practice, proving the fact of misrepresentation by a false statement is limited to establishing the fact of existence of a corresponding condition in the text of the contract itself (or an offer or an acceptance of the offer).

However, among all of that three circumstances to be proved, only the relevant contract condition(s) (and not the contract as a whole) is considered invalid. Cases of sellers liability for failure to disclose information, which might have significantly weaken their negotiating position, are considered ad hoc. Thus, contrary to the traditional "laissez-faire" (not to be confused with Lucifer) rule, some courts require the sellers to report essential facts, about which the buyer himself could have not learned, for example, existence of insects in the house for sale. Therefore, in general, it is important to interpret those words,

conditions and offers that may later be considered false.

By analogy with the prevention of “mala fide” misrepresentation, common law provides some framework for the use of a dominant position by the negotiating parties to induce "tacit consent" to their terms. In particular, courts apply the doctrine of coercion, whereby a party that has been the victim of an unacceptable threat and has had no acceptable alternative, or where the vulnerability of the affected party is proven, is subject to legal protection of the other, dominant side.

In Russian

Russian contract law does not regulate negotiations as a rule. In terms of regulation in regards to dealmaking it is also based on the presumption of good parties' faith, although it does not contain an explicit prohibition on deception (as for example in Ireland), it recognises as subject to legal protection promises, that meet formal contract requirements, which are stipulated by civil code and qualified acts of legislation (for example, public registration of the deal) for content (certain types of contracts must contain corresponding conditions), for contracting parties (legal capacity), and so on. When negotiating any transaction in Russian and similar jurisdictions, for simplicity reasons and for the sake of legal force of a contract, it is advisable to use official contract libraries, adhering to the necessity to reach agreement on all essential terms and conditions, as well as on imperative (i.e. binding) norms, which are specific to each type of transaction.

In spite of very well (if not to say more) detailed requirements for contract content in regards to specific type of agreement, as well as broad availability of grounds for transactions abolishment, litigation practice in Russia often judges upon the composition of legal relations, that factually formed between parties, and by doing so, stimulates liberal civil commerce.

In case if an agreement is deemed invalid by the court on the grounds that it was concluded under the influence of a material mistake, - resolution may prescribe whether "restitution" (reverse of everything, received under the transaction) or prohibition of false agreement's execution for the future. In doing so, court may base its holdings on the requirement to stimulate prudent conduct and may refuse to provide legal defence, if the party fails to prove that it complied with this requirement. In theory, the same applies to cases of dealmaking, under influence by deception, violence, threats or adverse circumstances (bondage deal principle).

Industry regulations

In addition to the general rules, which governs dealmaking in general, there are special industry-specific parameters, relative to negotiations under specific circumstances. For example, legislation on consumer protection defines the right of returning goods of a particular category within specific time frame from the date of purchase, - while labor law establishes rules for collective negotiations. Corporate legislation is almost entirely devoted to decision-making procedures for management at various levels, - i.e. actually the procedure for collective negotiations again, as applied to the management of a company. Moreover, in maritime law, for example, requirements to approve the willpower in the relationship between seafarers and shipowners are stipulated for captains and judicial bodies. Such regulatory requirements need to be considered in the context of particular negotiations.

Corporate bylaws

When preparing for negotiations, which involves special subjects or representatives of companies, managed on the Eiffel Tower principle, it is important to take into account the limitations that may be imposed, for example, by the power of attorney or corporate regulations. The content of such regulations is most often published at official websites in the form of public procurement policies, as well as public offers.

Well advanced private procurement systems are, particularly, developed in Canada, where creator can feature his or her intellectual property in major shopping mall right off the computer screen, by filling out forms and downloading electronic copies of documents, including financial.

Fact:

*Lie is mostly served in a bulk with
a good portion of truth in order to let
binary thinkers swallow the entire dish as credible.*

Part 7

Eastern Europe and Russia

Although Fyodor Ivanovich Tyutchev warned us in advance against an attempt to rationalise Russian mentality as early as in the 19th century, whereas the label of their negotiating style's unrecognisability has been largely disrupted with the active arrival of foreign businesses in early 2000s, - one should not ignore undeniable specifics of communications in nowadays' Russia.

Speaking wider, Eastern Europe countries combined are officially home for 190 ethnic groups, which altogether professing all existing religions, so it is obviously senseless to even try to find the uniformity of approaches that might be implemented in negotiations throughout industries in those countries.

Fortunately, thanks to the spiritual endeavour of such a contemporary activists as Sergey Danilov and writes as Sergei Alexeev, Grigory Sidorov and other ascetics, the essence of the irrational and, at the same time, unifying all Slavic souls, "secret" idea is revealed and presented to the world, and the idea is Proto-Slavic language, which is, currently, a puzzle, consisting of each Eastern Europe country's (and not only) contemporary language. Gathered together these pieces constitute their mutual mentality specifics.

"Secret" slavic souse

The fact is that information known from theoretical physics about string theory, ancient mythology (a source no less reliable than regularly rewritten official history), religious concepts, scientific research and practice persistently confirms the legend, according to which "in the beginning there was the Word, and the Word was with God and the Word was God itself", where the Slavic pra-language is the prime source of the whole Indo-European language family, and modern Russian language too.

Thanks to its specific syllabic-root structure and vibratory nature it has potential to demonstrate extraordinary properties. Being vitalised by the voice of a person spiritually developed enough (and therefore not in need of writing everything around), these vibrations could not only enhance the capacity to "hit, reanimate, and regiments lead" in the literal meaning, known from a poem by Vadim Shefner, - but also held educational and instructional qualities of harmonious relationships with each other and nature.

My experience of intensive interactions with some of the best planet Earth

representatives from Vancouver to Hong Kong confirms that the most optimal way of discovery persons' way of thinking, algorithm of decision-making and values in general, is to face critical situation. In particular, according to my observations, nowadays only Slavic people (not all them though) prone to imply ability to sacrifice and demonstrate irrational by nature devotedness, which most likely predetermined by language environment and, optionally, education.

Indeed, a rationally and materialistically organised, for example, typical nowadays capital-opinionated Western European, is able only to share what he or she does not need for himself from one's own point of view. Is it not for this reason that in English language the word "I" is spelled only with a capital letter, even if putted in the middle of a sentence. It is precisely for the reason of that a typical EEC citizen is capable to make deals, working for the benefit of a partner and social good without guaranteed remuneration, being certain that he (or she) is doing business, - "normal" rational approaches for generalisation of negotiating practices in this area are simply not applicable.

NATURE

In addition to what is said, unlike the heroes of the "biblical project", coexisting in an antagonistic contradictions to each others, their domestic inspirations did not teach anybody to divide and conquer and, in general, to subjugate and dominate everyone around by Machiavelli's method, but, on the contrary, - tended to unite and cooperate for the benefit of all and within tight presence of the Mother Nature and its laws.

So what is "nature" for negotiator and what kind of rules can help to negotiate in EEC and Russia? This may wrongly sound naive in the context of really strict business environment in modern society, however, having my diametrically comprehensive experience in legal defence summarised, - we, EEC citizens, should shamelessly admit, that no arbitration court hearing or out-of-court settlement, which resulted in closure, has been resolved or reached exclusively due to a competent legal strategy or due to sufficient process of law. On the contrary, thanks to many bad judicial and business practices, it was possible to reach agreements, which were acceptable to all parties only by tuning them into a compromising (say, harmonic) and constructively-creative "mode", beneficiaries of which, at first sight, relates rather to nobody, than negotiating parties themselves. Sounds irrational enough, does it? Welcome to EEC reality!

Case study:

Under the public federal contract for the construction of power station, in “business as usual conditions”, it is the federal government or construction project owner or yet contractor, - are those who normally should be considered as contract’s main economic assignee. However, amidst conflicting situation (which is typically enormous chaos), the only negotiating strategy, that could have work out and help to resolve the conflict, was arrangement of its parties’ interests in favour of the ultimate contract beneficiaries (i.e. ordinary heating consumers). This is how harmonisation of negotiating positions in conflicting situation could be done in Russia, in practice, which is way harder, than in theory. It should be noted though, that, while the process of parties’ ego neutralisation was never easygoing, in such a cases, “sudden” support from the very Nature is not uncommon.

HIGHLIGHTS about Russia

Russian negotiation style, as a reflection of legal, business and social culture in Slavic cultures, is an amazing phenomena in general, embodying the whole complex of harmonious behavioural contradictions, which might be reasonably hated, but they should better be loved and endlessly comprehended instead.

It has become possible to summarise and highlight my own experience and retrospective observations in the field of communications in Russia only by scrutinising peculiarities of negotiations in other countries. Throughout their retrospective comparison, as well as thorough analysis of internal business communication processes and trends in the context of negotiations it became possible to come to some interesting, but not in fact original conclusions.

Thus, apart from linguistically determined features in Russian negotiating style and business communications in the modern era, one can find a strict correlation with almost a century of Soviet diplomatic school, whose highly professional approach and attention to the fulfilment of obligations by all parties to the agreement is still remembered by foreign partners. At the same time, it is also known fact, that comprehensiveness in contracts design and scrupulousness in their management has eliminated practice of their rapid approval and widespread implementation, which is now typical for the modern approach to the conduct of Russian crown corporations. Although, reputation of impeccable international obligations’ fulfilment was not ingrained into internal business relations of our time, which is not the case about the widespread Soviet tradition to consider almost any compromise or concession on its part as a loss of dignity and, in general, a fatal act, incompatible with life.

Influence of the prison subculture on negotiating tradition in modern Russia is also enormous and requires individual consideration. In general, it is enough to mention ubiquitous custom of splitting communications "for members" and "for everyone else" in everyday business practice, unspoken singularity of partners recognition by "friend-or-foe" identification system on the very first appearance), as well as almost non-alternative predominance of personal meetings in the entire palette structure of the contemporary communication channels (phone conversations designates for the transmission of short prompt reports or instructions mostly).

State-like proxy business in Russia demonstrates the same quality of rigidly hierarchically-vertical pattern in communications as it was in Soviet period, with the only difference that, at present, somewhat detailed "bottom-to-up" communication flows are not excluded, but still one-sided only. So, for instance, cell phone conversations, from a mid-level manager (yet a rare bird in Russia) now sound like a series of consecutive and paused "yes" and "nope" word sentences (more often "yes", of course).

Speaking on the subject of communicational vectors in communications between companies within Russia, it is important to keep in mind another rudiment, left from Soviet past. This is the concentration of various think tanks and lobbying centres in Moscow, basically meant for a fix-a-problem function (especially for those problems, which in the regular course of business may look like unsolvable). This circumstance determines nearly mandatory necessity to have an administrative presence for almost any business in the capital city, whether this is a person or office.

In regards to corporate culture, modern Russia originated companies, with the exception of small businesses, almost entirely fit Family type model regardless of its scale. Combined with a leadership style of X class at crown companies and state-like proxy business, professional management competence is almost completely replaced by personal loyalty to a superior leader and proved by readiness to take it and execute any orders unconditionally.

In general, managerial negotiation style of both the Soviet nomenclature and modern corporate manager is well described by the military intelligence term "active defence". This is when a decision-maker only reacts to the proposals of the "counter-party" to the negotiations, makes no detailed proposals himself, but controls the entire business process as a whole. A striking case of this practice is the typical bureaucratic procedure of document work flow, required a short handwriting resolution on a document being made. Exciting, hah?

And yet, it seems that the fundamentals for the Russian and EEC negotiating culture features has being predetermined long before the Soviet period of Slavic history, as a result, modern cultural code bearers as a whole are characterised by above average communicative and mental universality in comparison to some other. Leaving the question of the primacy of business communications beyond this topic, the fact of Russia's geographical centrality to the trade routes "from the Varangians to the Greeks" (from the Baltic Sea to the Mediterranean Sea) and the "Great Silk Road" (from East to the West) gives an idea and historical predetermination to Russia's unique ability to integrate, and thus, effectively communicate the most contradictory relations. As for negotiations in the global sense, this fact makes the bearer of the Russian negotiating mentality indispensable for interests harmonisation purposes in both internal and intermediary communications. Perhaps, this explains Russian mentality's propensity for diametral polarity in thinking ("the best or nothing", "it's now or never") and the potential ability of Russian negotiator to work effectively with absolutely different partners positions.

At the same time, extremes in thinking, combined with defensive negotiating rhetoric (that requires to create some sense of unpredictability) which in Russian and EEC negotiation practice often displays itself by fanatic persistence to its own negotiating position, might easily be twisted to a sudden complete acceptance of the proposal.

It is traditional for the logic of a Russian negotiator, however, for the most part, to consider the size of the negotiated result of a deal as known in advance, and the purpose of negotiations as ensuring a share for oneself, regardless of the synergistic effect known from economic theory and in applied mechanics as a resonance effect. That very effect, that allows merging efforts before (knowledge, profits) and after a merger (companies, interests) to exceed the sum of efforts (knowledge, profits) of these companies in isolation from one another. In my opinion, this feature is best explained by the once-bitten-twice-shy proverb in a memory of the adverse consequences of an open and excessively trusting attitude to external partners.

It also might be considered as uniquely Russian tradition for negotiator to not bargain a price at all, referring to this parameter of the agreement as fixed one, both on foreign and domestic markets.

For example, Oleg Tinkov's exit from his dumplings company to Abramovich's Holding was conditioned by a face-to-face meeting with the oligarch requirement, instead of a transaction price leveraging, which seemed quite

reasonable given the opportunity to monetise an important contact in another, more meaningful way.

STEREOTYPES

Within many new foreign intercultural interaction, as a Russian, I have to observe how often the first staged smile during the first handshake changes into a well hidden cautious grimace after I answer the question where I am from.

Joke:

- *Where are you from?*
- *I'm from Russia!*
- *Which part?*
- *All of me!*

As it turns out, this reaction is the result of an influence on personal perception of a number of stereotypes, one of which is unpredictability of Russians. In order to understand how deeply media-driven attitude towards my negotiating partner's thinking is penetrated, I used to "turn on" traditional Russian (and Irish) sarcasm whenever possible, and following the message that I'm from Russia, I go with that "I drink vodka every morning and seize other people's territories for fun" in hope to awake partner's conscious for a more sublime, than a standard, unbiased conversation with a businessman.

Cross-cultural negotiators should keep in mind fair foreign partners understanding, that modern Russia exports nothing, but weapons, fossil oil, and corruption (and a bit of ballet, luckily) so, when Dostoevsky, Tolstoy, or Tchaikovsky are mentioned for the purpose of placing themselves in a position to show their knowledge about Russian culture, it is entirely their own merit. At this point, normally, knowledge of Russia, except now for the Ukrainian context, traditionally comes to an end. Meanwhile, representatives of Arab countries (Algeria, Iran, Saudi Arabia), Latin America (primarily Cuba), the Korean peninsula, China and India, due to the political and military ties with USSR, are knowingly kind towards people of modern Russia. In all other cases, one can rely on his strong personality only, when first gets acquainted, except with intellectuals or people of arts.

Another common perception about Russian negotiation style as only confrontational is also makes sense and so widespread, that even twice has formed the basis for the recent election campaign of North American political leaders. For example, Justin Trudeau explicitly proves his Canadian masculinity

by not being afraid to meet with Vladimir Putin, therefore, perhaps should be elected as Prime Minister. Donald Jr. Trump, in his turn, dreamed of making sure that “Russians can be agreed upon” by sitting at the negotiating table as the U.S. president.

Strangely enough, it is also currently believed that, along with so called “Russian imperialism” complex, all Russians are bearers of slave pathological psychology. Um..

It is quite interesting to reflect on the effect of Russians’ and EEC representatives’ stereotype of being undisciplined, while realising that, sometimes, what happens in Russia and around has no rational explanation at all, and takes place in spite of, rather than thanks to, managerial efforts. This phenomena actually can easily be explained, although, not explicitly.

Specificity of Russian communication style was once the subject of research by some outstanding writers and philosophers as I. A. Ilyin, N. A. Berdyaev, L. N. Tolstoy, A. I. Solzhenitsyn and many others, who altogether came to the conclusion that Russian man lives “by heart”, empathising and participating in affairs of others, while extreme Western mentality is more characterised by rational, intellectual comprehension of communications. At this context, in my boldly shared opinion, the key strength of EEC and Russian negotiators is in the ability of simultaneous realistic thinking and irrational perception, which, combined with peacekeeping mindset (“a thin world is better than a good fight”) allows them to effectively mediate in the most pressing issues of domestic issues and beyond.

KEY VALUES

Dmitry Efremovich Vasilevsky, who is considered to be the founder of the Russian negotiation tradition itself, then has established the main quality of the agent in negotiations - knowledge of human nature and focus on truth and justice, which in itself, unique and clearly opposes the conquest concept of Machiavelli, taken as a basis for the modern Western diplomatic world. Vasilevsky's concept also stands apart from the Eastern principles of patience and cunning, laid down in Sun Lao Tzu's treatise “The Art of War”.

Tactically, Russian negotiation style often corresponds to the aphoristic “Russians are slow to mount but ride fast” saying, which in practice is expressed in the tendency to “go with the flow” up until the decisive moment. But when decisive action is required, initiative is taken, which also corresponds

to “active defence” tactic, that require sprint-wise, although well-prepared initiatives at the most appropriate moment. Isn't that why Russians and Russia are associated with the bear?

Perhaps the natural tendency to reciprocate can be explained by the peculiarity of exclusively Russian negotiation tradition in a somewhat disdainful attitude towards formalities in general and rules in particular, which demonstrates clearly in tendency to prioritise relationships over any laws. At the same time, in Russian business culture, great importance is assigned to the oral promise, which has gone down in history as "the word of honour" and "the word of an officer". Russian modern folklore also confirms this idea by saying "the severity of laws in Russia is compensated by the optionality of their observance". Poor lawyers.

From the language affiliation point of view, this can be easily explained by alleged chronological primacy of Russian oral speech over written speech, which, ironically, stands in the strict contradiction with modern text-digital culture of communications and dealmaking practice.

When analysing Russian culture of negotiations, one should take into account inherent Slavic intolerance for lies and extraordinary sensitivity to the truth. Thus, modern experts in business management confirm that regular Western communicational methods of sales growth in consumer market do not work in Eastern Europe, and, in case, if negotiator has limited power to speak only the language of truth, - he (and she) will certainly let it be known by any of numerous rhetorical devices or non-verbally. That is why, in Russia, conflict mitigation is not so troublesome, - most often the parties involved in the problem actively contribute to an objective assessment of circumstances, which in itself may be necessary and sufficient to resolve the dispute.

Normally, natural desire for truthfulness in communications is harmoniously combined with a sense of humour and the ability to think out of the box. Thus, one of the iconic techniques of Russian diplomacy is so-called "asymmetric response", which excludes confrontation escalation, on the one hand, and provides an effective leverage into confrontational situation, on the other. This very technique was implemented in the case of the economic embargo against Turkey in response to the shooting down of a Russian military aircraft in 2016 during “Syrian” operation.

Another one specific feature of Slavic negotiation style is also the propensity to create one's own image as a modest, simple person, which can be expressed in clothing, mannerisms and speech simplicity. This feature, in an incredible way, blends with the importance for the Russian negotiator to maintain an image of

his own status and authority.

Russian classical negotiation tradition, oriented to the unity of the parties, necessarily includes elements of intercultural interaction through the exchange of best practices in cuisine, theatre, ballet and music.

Part 8

Public sector

*Fact:
Professors at the University of Toronto
are funded for the research in the field of stateless society.*

While the only truly intrinsic indicator of democracy development level in the most empirical meaning of this shabby word is the degree of parity in relations between business and government, and while the last one remains to be the largest economic factor not only in Russia, but in the world as a whole, - the problem of efficiency of business communications with government representatives will not lose its relevance. Not even pretending to try to fully disclose this inexhaustible issue, based on my own experience of the federal civil, municipal and law enforcement service, as well as on several intense years of independent practice in the arena of dispute resolution in public procurement at all levels, here I share some of my outcomes with those, who can not allow themselves to apply any other form of communication with officials, except legal.

In general, the principle of active defence, unknowingly preached by the majority of officials, which implies a tendency to minimise face-to-face interaction with business representatives, has only consolidated with the transition of some public services to communication platforms. Common belief in total corruption, formal tightening of the regulation and control over the activities of government's representatives also increased the desire to isolate the employee's personality, so the initiative at all stages of negotiations with them still comes from the private element. In another, almost immoral, analogy of the relationship during contact of the pair "negotiator-officer" period can still be compared with the conduct of the male in the process of chasing a female, regardless of the gender composition of persons, involved in this creative process, - so the sincere interest in the object of chasing is presumed.

Fact: In the overwhelming majority of cases, decisions of state authorities in the form of decrees, laws and non-legislative legal acts are written in law and consulting firms, commissioned by businesses, interested in them, including foreign.

Indeed, the most honest and effective approach to interaction with a representative of government agencies is a combination of both professional and personal, - it is when the negotiator, regardless of professional affiliation, takes on the function of comprehensive assistance in the conduct of the public competence of the person from whom it is required to perform the action needed. In such a way official only has to magnificently put his signature in pre-marked paged of the agreement or decision, drafted by negotiator beforehand. It

is psychologically easier for an experienced negotiator to implement such a strategy once realised the real proportion between average official salary of a civil servant and the amount of his (or her) daily assignments, the meaning of which he does not necessarily understand.

By the way of preparation for negotiations with the official it is better to get started with exploration of person's handwritten signature, namely, its length, amplitude, harmony, inclination, workload and other features, which with 90 percent reliability can tell about business aptitude of its owner.

In order to make civil employee's job with a negotiator more meaningful, that is to arrange for reciprocity in "relationships", another stimulating technique is quite applicable at different levels of communication.

Thus, if a parliamentarian represents a large enterprise, regardless of the context of communication, it is worth emphasising the importance of the social and economic impact of this business for the territory served by the official, and therefore appealing to the corporate component of persons' motivation, supposedly interested in the prosperity of the community he serves. At the same time, if it is a large enterprise (a metallurgical plant, for example) one should be ready to give a socially oriented response to fair informal claims about potential polluting effect on the environment of the respective area of business, - even if this response is a simple and reasonable sympathy.

At the federal level, the same principle of "self-disposition" applies to the problems at the corresponding importance level, although, more often, in the form of an explanatory memorandums of a proposed decision.

When preparing to negotiate with representatives of public authorities, it is useful to remember and appeal to an employee's hypertrophied, but potentially strong need to fulfil his or her original (and deeply rooted inside) purpose of being useful to their "layman", so the demonstration of negotiator's need for the knowledge, experience or capabilities of the decision maker can also make the feeling of interaction with the negotiator literally pleasant. Even if you are a qualified lawyer, tell that you are sick of trying once and for all to understand all the intricacies of the issue's policies, at which the respective official is (or should be) competent with and take advantage from his played out sense of self-importance for the benefit of a common cause.

The reverse approach, in which a parliamentarian modestly and appropriately demonstrates expertise in the fields of law and practice, an official known to be less familiar, also works out well for the benefit of the idea of being "cute" in the course of professional *affaire d'amour*.

Surprise, that is to diversify somehow the routine workflow of a vain (that any public employee) by saying that his face is familiar (from a TV report, a previous visit to this organisation) or conquer once and for all by saying, that you have been missed communicating with interesting person in the attractive atmosphere of the corridors of power, regardless of the degree of sarcasm of this idea interpretation.

If cooperation with an official, whose financial position differs drastically from what is at stake expected, you would better not pop on your most expensive suit to meet him, but generally prefer a modest strict wardrobe, because this type of unstable motivation for work, based on a sense of belonging to power, being unintentional and unsuccessfully tested, can turn into an unwanted irritation after realisation, that you not only do not want to, but also cannot financially stimulate him.

Generally speaking, a rhetoric, oriented to the exploitation of employee's need for the execution of power (in whatever scale) is effective in any context and can be built on the principle of yielding him/her the right to the last, decisive word - at the same time, the purpose of an effective negotiator is to ensure, that this last word of the decision maker corresponds to the general goals of negotiations as a whole.

In those dirty instances, when negotiator attempt to build constructive, compliant and transparent dialogue systematically resist by officials' actions and comments, which meaning, due to ambiguity or destructiveness, ceases to be understandable from the point of any logic and good faith, - it is obvious that the negotiator has come across an extortionist corrupt and none of the previous recommendations are applicable, - therefore the best option in such a case is to seek an alternative to the contacting person (or even jurisdiction) in favour of those whose values have higher potential.

Fact: Major Russian entrepreneurs at 2014 seriously planned to "acquire" small countries like Moldova in order to avoid problems with domestic corruption.

Law enforcement officers

Although in 9 out of 10 cases of interaction with a representative of law enforcement agencies the wording of what is said (and spelling of what is written too) makes no difference for the good of the criminal case, nevertheless, in the context of public administration relations some communicational techniques may play a positive role at the initial stages or in the entire case, whether it is an appointment with a taxman, chat with special agent or interrogation of the investigator.

It is not a secret, that algorithm of legally significant actions in regards to whether "vic" or suspected offender is dictated by the Criminal procedure, the content of the act of official interpretation of the law, which became the subject of case, and (or) chief's instruction, which combined and separately for a normal person - is Chinese puzzle, therefore: the best negotiations with the law enforcement officer are those that never was or, secondly best, - those that terminated before the transition to the official procedure.

Contrary to the fair premiss, that the law enforcement system is corrupt in general, it is worth keeping in mind, that all law enforcement officers initially come to the public service by the call of the heart, and since heart is an important communication channel of creative negotiator, thus, at the first contact with them, it should be taken into account: law enforcement officer loses his (not sure about her) professional interest, if the person non-verbally and rhetorically demonstrates his or her mental equidistance to the officer's personality through:

Absence of fear

Even if you are pure as first snow, excessive courtesy, stiffness or aggressiveness, caused by fear, is instantly recognised and invites public officer to execute his power. Emotions of fear are neutralised by emotions of love, at least to yourself.

Respectful treatment

Addressing a representative of law-enforcement agencies with a rank, recognisable by the shoulder straps will inform about the awareness with the military hierarchy, and thus, about military service in the past, and who knows about what else, that arouses mutual respect, and therefore stimulates the establishment of parity, which exclude repressive relations.

Compliance

Not every representative of the authority able to deny himself the pleasure of self-assertion through implementation of that authority towards the person, who provokes to do so (see the victimhood theory), and the phrase dropped, for example, about you monthly tracking your fines on the official police web portal, plays down the acuteness of the thirst for "hunting", and thus, the interest in it.

A respectable occupation

Many law enforcement officers would be happy to do something else if it were possible for them, and an act of condescending behaviour to a person already successfully practicing an activity, that inspires interest and light envy is one of dimensions of the described ego-related origin.

Legal & general awareness

The case, when knowledge of legislation releases from liability. A conversation in a Martian language with a representative of the authorities without vulgarity and conceit about the peculiarities of law enforcement practice in a neighbouring (preferably competitive) province or about narrowly known facts of business practice not alone will not cause irritation, as in the case of referencing to high-ranking acquaintances, but might also generally make it uncomfortable to prosecute his fellow.

Special attention should be paid to the topic of negotiations with operatives and special agents, who normally possesses a strongly developed intuition due to the specifics of activity, associated with permanent risk to life and extreme conditions. This intuition, in combination with their favourite interrogation tactics, based on the questions, asked unexpectedly about the same thing, formulated each time in a different way, aimed at exposing lies - demonstrates sufficiency not less impressive, than polygraph. The interrogation tactic of a "good-bad policeman" when a "good" one actually pretends to be like that is also widely known. In this situation, the most effective is the attitude, in which operative's verbal and provocative attack is alternately ignored and gets an answer, that exposes his own illogicality. Allegorically speaking, this is how Bruce Lee would cope with a difficult verbal fight, by consistently neutralising the opponent's attack and striking back at the weakest point.

Part 9

Conflict fundamentals

*Conflicts, like diseases,
arise as a consequence of ignorance
of other incentives for the development.*

Modern world has become extremely conflict. Oldman Niccolò Machiavelli probably had no idea, that his divide and conquer methodology (i.e. creating a conflict) in the 21st century will become the main geopolitical strategy, that periodically makes the whole world shudder for fear of the beginning of the Third World War, whereas services of conflict management specialists, that are astounding with their cynicism, will be generously paid off.

Extremely individualistically oriented economic community now does not settle commercial disputes over a friendly conversation in restaurant or sauna, but instead, makes every effort to develop a small dispute into a full-scale exhausting confrontation (at best, only in court), lasting for years and probably beneficial only to lawyers. Having finally exhaust all legal remedies and achieved a relatively fair court decision, a party to a court dispute in practice can not count on proper execution, although for sure gets another industry actor hostile to himself. In many countries, some trends common to the modern world are aggravated by incredible counter-productivity of the judicial system and unprecedented contradictory legislation, leaving entrepreneurs alone with an unfair counter party and the need for informal settlement.

Fortunately, in spite of the stated, there are examples of effective application of civil alternative strategies in the form of conciliation procedures both in court proceedings and at the stage of pre-trial settlement. While it still might sound like a job, though, once you get the gist of the following, it will then seem as a child play.

Pillars

The prime advantage of the pre-trial variant of dispute settlement, as compared to the procedural one, is the absence of the necessity to ensure the compliance of the agreement reached with the legislation or court precedent (for English law countries) in addition to what has already been considered before entering the deal.

In general, when approaching any conflict, including with one's own participation, it is of utmost importance to be aware of:

1. The complete interdependence of all and everything from everyone.

To this date, destructive effect of the competitive approach to conflict resolution is more, than obvious. Physical or legal suppression of the “enemy” can only bring imaginary short-term dividends. Those who hold the opposing view simply can not count on long and happy lives amid friends.

2. The fundamental analogy of the prime causes of a conflict in a family, company or state.

At the heart of even major global conflicts lays personality of an agregorial leader, who, being under influence of his own ego, scaling it by engaging others into his picture. With this said, conflict in one family is destructive not only for the lives of its members, but can easily cause an entire war, as in Shakespeare's story, so, for this reasons, there are no such a thing as a minor conflict.

3. Settlement is a victory, while escalation and avoidance is the terrible loss.

Having this idea in mind, it is better to understand, that good settlement does not necessarily require compromising anyone's principles, whereas perfect one - does not require compromise at all.

4. In the case if a conflict involves two parties, it means that both parties are partially wrong. Analogously, the same principle applies to multilateral relationships.

5. Conflicts, like diseases, arise as a consequence of ignorance of other incentives for the development.

6. In most cases, the easiest and most effective way to harmonise conflict is to adjust parties positions as a result of a more complete, reliable and accurate rapport.

It is also not surprising that the more educated society is, the more experienced family and company members are, the fewer prerequisites for the conflict exists.

Emotions and frequencies

According to Steven's P. Cohen precise expression, we should take turns while getting mad. I could not agree more. In general, the cause of anger in a conflict

situation can be a feeling of insult, underestimation, whereas the fundamental reason is always "underlovedness" of different origin. This kind of mindset makes person to allow oneself to feel emotions of fear instead, what inevitably followed by the need to defend oneself or even attack.

Complete containment of emotions does not lead to release of any kind, - on the contrary, can prevent from reaching the necessary level of understanding (culmination) at issues counts the most, so it is important to understand about expressing anger during negotiations:

- that total emotional restraint leads to uncertainty and to the retention of important information; it refrain parties from opportunity to build a rapport, based on understanding and trust;
- taking everything "to heart" (personally), we narrow down our vision of the parties' interests, making it difficult to come up with a solution;
- simultaneous influx of emotions escalate conflict, which can hurt innocent people.

Having realised that the problem would surely not eliminate itself with a disappearance of special for you person, and let him have one's emotions splashed out, good negotiator can not only raise his own self-esteem for the mastery to control himself, but also to ensure that both sides reach the final point of argumentation.

The point is after that, person experiencing a hormonal surge, being returned to a normal state, physiologically becomes more reasonable and negotiable.

In fact, emotions should be taken in close consideration for the purpose of conflicting positions harmonisation. In order to get the gist of this fact it might be enough for creative negotiator to observe oneself during and after listening to low-frequency (bass and some percussion instruments) and high-frequency (all instruments of high register) music. The lasting effect of musical vibrations on the human condition through emotional sphere has long been noticed by art therapists, so it should not surprise that a person, who has a nervous system with a limited emotional spectrum can not get along with those, who vibrates on the missing into that person's "register" (frequency).

That is why the expression "to be on the same wave" with someone has absolute literal meaning. The great news is also that it is possible to achieve this very state of same-waviness by means of simple human sympathy (even initially single-sided), which is at any case possible, because inside every human there is a diamond, that one only has to learn to find and identify.

Conflict de-composition

While not trying to overcomplicate the improvisational nature of the dispute resolution process with extra-orderliness, some consistency in the approach to the issue should still be maintained. For simplicity reasons, five elements of the conflict structure one can distinguish, on the basis of which the most optimal approach to its mitigation then should be developed.

So, when getting to know the essence of any conflict, first identify:

- interdependency

It is always take place between the parties involved (else, it is not a conflict), so during the first stage of the conflict assessment discover the degree and area of mutual dependence, that initially cannot be mitigated without negative consequences to all, be it employment or contractual obligations, children in common or an oil pipeline. Speaking in terms of music analogy, figure out if any DJ gets disturbed by unwanted sound from someone else's night party and, if yes, in which part of the room.

- number of stakeholders

While interpersonal, bilateral conflict can be solved surprisingly easily and quickly, whereas a multi-faceted dispute with latent stakeholders is much more difficult to resolve. Let us suppose that each stakeholder's interest in conflict by musical analogy corresponds to human's voice in a choir. Master's negotiator mission in this case, would be a creative solution about how to make those interests to sound nice and find the only workable harmonisation technic to be implemented. As for implementation process, metaphorically speaking, one should convince them to take some ear training course in order to let them to be able actually hear how they sound themselves first, and then, decide whether they like the way their voices out loud or slightly not, unless revised choir plays better.

- credentials

If there are more than one person on the conflicting side, it is necessary to determine whether there is a person to whom he or she is authorised to make and agree concessions and offers, and if so, to what extent. The limit of the authorisation normally determined by a specifically defined action or an amount measured in one of the freely convertible currencies (that is, bitcoins are not allowed). Musically speaking, before entering concert hall (negotiation room) music producer should understand not only a number of instruments involved, but the register of each one as well.

- urgency

Depending on how urgent the need for conflict resolution is, the range of mediation tools, applicable in this case should be determined. With that said, negotiator should apply flexible approach for conflicts of different intensity. For instance, if you can hear one viola amid thirty five other instruments plays out of tune, you do not let conductor down and composer crying by suspending a performance (i.e. a contract), as if it would be in case, when you can clearly see, that conductor is out and each orchestra member plays his own overture.

- means of communication

Depending on the circumstances, disputants may be limited in the way they communicate with each other. In addition, sometimes asynchronous communication (as in the case of correspondence via e-mail) can reduce the excessive emotional tension that occurs in other ways of communication.

In other words, see if performers should go and stay into rehearsal room for a while, if conflict has already been escalated.

<i>Soprano.</i>	C O R O.		<i>Your mom</i>
<i>Alto.</i>			<i>Your sister</i>
<i>Tenore.</i>			<i>Your partner</i>
<i>Basso.</i>			<i>Your friend</i>
<i>Violoncello.</i>			<i>Your ex-boss</i>
<i>Basso.</i>			

Part 10

Conflict harmonisation

In any situation, except to major violation of public or corporate rules, a progressive negotiator would not waste time looking for the guilty, accusing and interrogating, but instead will concentrate as much as possible on planning the relations of the conflicting parties in the future, based on current realities and common interests. In this way, it is best to rely on the following universal principles when approaching to resolve a conflict:

Dialogue

It is impossible to ensure the achievement of a settlement, which parties are interested in to execute, without a direct dialogue between the parties themselves ("Minsk protocol" in which "separatists" were not represented directly - is the example), and to create the most favourable conditions for it in the most effective form - is a fine art. Of course, it was never easy to discipline improvisors and get them together, especially when a band has already been dissociated. I personally exploited judicial system along with its procedural rules for the sake of opportunity to get conflicting counterpart gathered at one location at a time (at least for once).

Carefulness

In the context of high emotional tension, it is very easy to break the shaky balance in which dialogue is possible at all; therefore, in order to pass the most acute phases of the dialogue as smoothly as possible, it is important to exclude any external interference, distractions, instructions, and interruptions. Giving a voice to the conflicting side is often already half of the battle. Creative negotiator can think of it as if one would first allow audience to sit quietly and venue manager to perfectly set up a stage, before performers could speak their hearts and minds in a calm manner.

Time

It takes time to reach a settlement. To ensure sustainable expression of conflicting parties's renewed willpower in order to mitigate problem, creative negotiator will let his own ego elevate, and their voices flourish. You never push singer in recording studio, even if it is one of a high class and therefore, cash-consuming. Money are not talking in this case.

Facilitation

The best and fastest way to resolve conflicts for the good is to do in a way how angels provide us with signs of the right path or solution with their hints in a skilful, subtle and facilitative manner. A master mentor, a professional mediator or a senior companion who is not interested in a particular result of the conflict may be as useful as an angel.

Conflict breakdown

Fact: Relationship, that matter, inevitably challenges by a conflict.

It would be too naive to assume that conflicts can be resolved through a standard algorithm or online service (as tried at Canada), therefore a jazz-wise approach in applying recommended action sequence in a conflicting situation is most likely to be fruitful. For simplification reason, suppose, that creative negotiator has to deal with a bilateral conflict, namely, a dispute, whose both parties are the only direct stakeholders (so we need to arrange a simple duet choir), then the most optimal movements to be taken are the following.

Movement 1: Conflict diagnosis

The subject of the conflict and the essence of the problem are often not the same and relate to each other as cause and reason (speaking physiologically, symptom and disease), and their precise distinction and formulation is the key to the choice of an overall strategy of settlement. Regardless of the scale, any conflict is a clash of different value systems and worldview visions, that is, for instance, why Yukos Oil Company's tax law violations are an occasion, and incompatible contradictions of Vladimir Putin's and Mikhail Khodorkovsky's personal values is actual reason for the well-known karmic conflict.

Movement 2: Making a decision to promote an alt settlement

Obviously, at the first stage it is necessary to diagnose the very inherence of the willpower of at least one party to settle the dispute without confrontation. These hipsters has been blowing their own trumpet for ages, dissonating badly, so, creative negotiator should prove the validity of potential harmonisation. The signs of such a will are the expression of a desire to preserve business or friendly relations, not to cause significant harm to the opponent, as well as to keep the fact and content of the disagreement confidential. It is doable to make a conclusion about the supposed way of reaction to the conflict (ignoring, addressing to the court or law-enforcement directly or through a representative, etc.) from the opposite side, based on the content of the previous or initiated by the negotiator correspondence or conversation. If it is possible to meet with party to the conflict jointly or individually, it is crucially important to convey to them all arguments against confrontational conduct as kindly as possible, among which are meaningless -money -time and -health losses. Creative negotiator, aka the mediator, appeals to the values, that most sensitive to the side, explores the potential readiness of both to transform the worsened ego into a salutary direction.

Movement 3: Appointment pre-production

While some engagements might be agreed upon over the years, face-to-face communication between the parties or their representatives (as well as with subject matter experts), facilitated by the negotiator's neutral assistance, can help bring the parties closer and develop their own solutions to the problem, that has arisen between them. When appropriate, the venue, time and delegates composition shall be chosen. Negotiations, oriented for conflict resolution should be planned and coordinated according to principles, universal to any other collaborative negotiations.

*Fact:
The bilateral rendezvous of Patriarch Kirill
and Pope Francis in 2016 has been agreeing upon for 20 years.*

The content of the agenda for such an engagement ideally include questions aimed at:

1) presentation (mutual recitation and attentive listening) of the vision of the conflict circumstances of each party in consecutive manner (rehearsal)

In case of contradictions, parties should achieve the same qualitative and quantitative assessment (understanding, interpretation) of the same circumstances. Small conflicts are eliminated by themselves at this milestone only through the elimination of simple misunderstandings, caused by a communication “failure”, that had happened any time earlier. Musically speaking, we now fact-checking notation correctness for each part of the concert, that sucked before.

2) identification of the business tasks to be solved (studio set up)

Avoiding any kind of exposure, accusations and judgments regarding compliance with the rules or obligations typical rather for an investigation; negotiating parties focus on the factual (impersonal) statement of the actions to be performed next (for example, completion of construction, payment for work done, transfer of documents missed), as well as the difficulties associated with their implementation.

3) putting down the content and sequence of actions for each party (notation sketching)

Movement 4: Appointment production

If, and when, the drafting of an oral or written agreement is not hindered by latent factors, partners will also have no difficulty in determining and working out on:

a) the time frame for each action planned (tempo pick up)

The most optimal option for the parties is to follow one-at-a-time-like sequence of obligations performance, which allows for mutual verification of the good faith and completeness of the agreements reached at the end of the time frame, specified for each obligation;

b) bottom line of mutual cooperation in carrying out agreed actions (bass part tuning)

c) contact details, type of communication channels and the first next exact time to communicate with person in charge (metronome set up)

d) the date of the next meeting to “compare notes”, as well as mutual control and adjustment of the parties' action plan.

Movement 5: Appointment post-production

At whatever condition the parties' relations are at the moment, when the terms of the conflict resolution are agreed, feasibility (sounding) of the relevant agreement is determined by:

a) the balance of the parties' obligations vs. rights (mixing) (that is compliance of the amount and value of obligations of one side with the volume and value of obligations of the other side), as well as correspondence of rights of the one side to relevant obligations and responsibilities of the other and vice versa.

When drafting agreement (composing), liability for each obligation violation should be provided, however in the case of settlement agreements, it is best to stipulate (or imply) the right of the other party to suspend performance of its counter obligation in the event, when the first party fails to fulfil the principal obligation in such a way, that both parties find themselves in a position of mutually incentivising interest in the other party's fulfilment at their maximum capacity.

b) the completeness of the parties' mutual obligations agreement draft (notation accuracy)

Declaration of intent (memorandum) may remain a declaration forever. At the end of negotiations, each party must have a clear understanding of the content, deadlines and responsibilities for the failure of both parties to meet their obligations;

If the conflict to be resolved is a corporate one, regardless of the type of corporate culture, the following set of priorities should be emphasised (compression):

- a business objective, which is difficult to achieve due to the conflict,
- neutrality of attitude towards parties of the conflict (impartiality),
- facilitation for individual decision-making by the parties or representatives.

If creative negotiator himself is a party to the conflict, he performs an acrobatic exercise, in which he is both a party and a negotiator, providing assistance in developing an agreement.

In both cases, an adequate expression of emotions will not only do no harm to the rapprochement of positions, but will also allow an unambiguous demonstration of sincerity in the evaluation of interests, positions and decisions.

Tip: never confuse quid pro quo with pro bono.

Multilateral conflicts

Building constructive relationships is similar to composing in music, in particular, when it comes to harmonisation. For instance, when you have multiple interest to mitigate, for creative negotiator it takes to find proper “voices” (interests) in melody (traction), that already has been created, to stress some of them in order to achieve desirable sound. In other words, the same idea might be described with terms of functions, that is roles of stakeholders in particular relationships, that might be referred whether as dominant, and (or) consecutively as subdominant and even tonic. By doing so, other business voices should be organised in a way, that will allow to “sound” (i.e. perform) their voices (interests) in harmony with that particular dominant interest.

It will then take some know-how in music theory and imagination to proceed with this methodology, although it is not too complicated to implement it into the practice, as may sound from the first run, because Mother Nature and Universal conductor will most likely facilitate this purely creative process of achievement synergy through building this kind of order.

As the main point of this process is outlined in choosing a should-be dominant voice properly, for me personally it is always about ultimate (or third-party) beneficiary strategy.

Part 11

Third-party beneficiary strategy

There is a belief that "win-win" negotiation strategy, according to which parties reach the most favourable agreements for themselves through concessions in what they believe is unessential with a joint focus on common interests. This is great, however, what if there are no common interests?

The most progressive element of such a strategy to date is the so-called BATNA (acronym for best alternative of the negotiated agreement), the essence of which is aimed at achieving the best alternative to the existing agreement at any stage of negotiations (for example, when about to negotiate a purchase of a shopping mall, you are working through one or more payment options in advance and will use that reserve options in case of failure with the first). That is fantastic. Although, what if there is no alternative?

Creative negotiators are able to skilfully abstract from the discussed issue and mentally separate the person from the deal and concentrate only on the circumstances and objectives of negotiations. And what if there is no negotiating purpose of its own?

This questions would sounds pointless until creator faces what usually called “impossible”. Think of how most of masterpieces in art born. How daily feats of labor and sports records achieved? All the most wonderful things are dedications. Whether it's a primitive quarterly report, accomplished in a minute of exhaustion by looking back at a family photograph, or a space flight for the happiness of all humanity. They also go to war with the ultimate goal.

It is no surprise, therefore, that in complex negotiations, as it is in actual extreme situations, prioritising ultimate beneficiary, making “him” a subject of dedication brings unexpectedly fruitful results.

One of the relevant examples from my practice was the case of mitigating ninetieth settlement agreements at once in a dispute between a federal food equipment vendor and the city in a situation, when contracts were severely violated by both parties at every point possible: from shipping and payment terms, to the specification and quality of equipment itself. The situation at moment has already gone beyond the pre-trial claims and court hearings had burdened by department's of education and local prosecutor's office involvement, in addition to public contract' parties, who has not been contributing to the proceedings anything, except further confusion and tension. Musicians call it distortion.

Each entity delegated different rep, of course. The only advantage of meeting all

parties in court at once was that their representatives, geographically and mentally separated, were finally able to directly discuss the problem with the facts at hand. At the next moment, when for both representatives and judicial panel it became obvious that no unambiguous and unilateral decision under conditions of mutual disorderliness could have been found, and consequently, neither conventional stakeholder, for whose benefit the dispute should have been solved, - a new strategy, oriented on urgent and most effective satisfaction of school children interests, for whose actual needs contracts was supposed to serve. Obviously, speaking in legal terms, children were literally underrepresented in negotiations, and, while every nominal side of the conflict could appeal to numerous formal legal grounds and other reasons in order to turn situation for their interests, the most legally challenging was that there was no legal provision, stipulated third party beneficiaries as settlement agreement party. Priorities and terms of settlement agreements were discussed in between of court sessions in individual face-to-face negotiations with municipal and government officials, authorised to conclude the settlement. Later, I found appropriate legislation provisions in Quebec civil code (Canada) and Bulgaria (obligations act) only. Fortunately, after a few months, all agreements were implemented properly and voluntarily, so and law enforcement agencies withdrew all their claims.

This in-the-shadow-of-the-court approach can be applied in practice sufficiently at any situation by anyone, who in practice will prioritise the ultimate beneficiary interest openly or in unspoken manner.

Outro

VIBRATIONAL FIELDS

When ordinary remedies of reaching an agreement has been exhausted and all the bridges on the way back have been burned, creator has to willingly extend his or her approach far beyond the standard and, finally, let extra ordinary come into play. Paying due attention to the irrational human's part of nature pays off back with unprecedented awareness of their actions, decisions and motives behind them, including the context of business negotiations too.

Having favourability to constructive communication or its absence noticed in advance, that is before the beginning of verbal information exchange, is conceivable due to the radiation of human's magnetic fields, emitting vibrations with determined for each, but not permanent frequency. The most fruitful is interaction, in which both negotiators are on the same conditional frequency, resulting in already mentioned synergy effect, so that aggression-free interlocutors, mutually tuned to each other through timbre of speech, posture, and equally long monologues enjoy the maximum synergy benefits.

The degree of "aggressiveness" in negotiations is easily regulated through evaluation and adjustment of the degree of masculinity or femininity of negotiators. In any interaction of two opposite individuals (may not coincide with a person's biological sex), the probability of a natural and constructive dialogue is quite high, but in case of "same sex" energy quality of negotiators, psycho-emotional adjustment is required. Thus, if an appointment with an energetic man is about to take place, the upcoming negotiations will be more beneficial to both, if another participant, for example, a biological man, will intend to demonstrate more feminine qualities, than usual for him - that is more listen, than speak, offer compromises (within reasonable limits), which will help prevent destructive confrontation and promote mutual concessions.

Leaving psycho-energetical details aside, it is worthwhile empathising so called "Chinese" method of conflict resolution in settlement negotiations, according which events and facts, relating to the past are noted only once for the reason of objective assessment of status quo and no longer discussed, since the gate to the past leads to undesirable emotional and potentially destructive behaviour. For analogous reasons, mass media are considered to be the fourth estate exactly because by manipulating interpretation of events of the past, agenda for the future is being shaped.

For the sake of self-adjustment to productive cooperation, elective application of affirmations (which have a neurolinguistic nature) can demonstrate

impressive results. Expanded affirmations is best developed with individual characters in mind, and for instant self-adjustment to the work to come, creative negotiator can use a simple statements such as “we are cooperative”, “we are together”, “we are mighty together” and so on in any business and other context (it is important to be aware of the quality required of you in a particular situation). The more focused the consciousness is on the verb, - the more harmonious and effective it is.

BODY LANGUAGE

Special attention should be paid to body language in negotiations, understanding of which in the context of a specific situation allows to form an even more complete picture of your partner's worldview (vision) and to understand your own nonverbal signals. As a general rule of effective negotiations, it is useful to adopt a partner's position at the negotiating table (sitting at 90 degrees to each other), which makes communication much more productive, than in opposition (opposite each other).

ASTROLOGY

Astrology, as a science of angles, proves to be reasonable to consider its factors, when preparing for important negotiations. For example, in the period of Mercury retrograde, there is a high probability of increasing tension in communications, unjustified barriers, faults in transferring documents, so months of efforts to prepare a business proposal may not be justified, whereas during a period of Venus retrograde, on the contrary, negotiations, oriented to resolve disagreements, that have arisen previously, are more favourable than ever, as earthlings in this period tend to revise their decisions in the past. In fact, not to reckon with astrology and its physical and mathematical essence is the same as not to recognise mathematics, astronomy and the existence of the world around Earth in general.

Also, according to Vedic astrology, the most auspicious day of the week for negotiations is Wednesday, managed by Mercury, who is in charge at the transmission of information, which for obvious now reason coincides with many years of practical observations.

Case study:

At the time of working as an investigator assistant, no matter how much I tried to be most helpful at work for my mentor, I was not left feeling being unwelcome. The problem found its explanation years later, when it became

known from astrology, that depending on the year of birth, each person in relation to the other is either a partner (companion), clone, advisor, master or servant. It turned out that my rat sign is a vector master in relation to the sign of my ex-boss (horse). In other words, no matter what formal relations (position) we occupy, the sign of the vector servant will feel oneself inferior. It is difficult to imagine how much more efficient collaboration in team can be, given the impact of this aspect of the law of Nature alone.

That is why, when preparing for important negotiations, making crucial decisions or simply during collaborative project, planets' influence on the processes in people's attitude cannot be ignored. Taking into account that the period of time in 3 minutes from the beginning of the event in astrological calculations completely changes the picture of possibilities, laser-like precision and individualisation is required in order to make the most out of this technique. Under normal conditions, it is enough to understand cyclical periods of time, favourable for communications and to know one's own strengths and weaknesses, predetermined by the circumstances of birth, in individual negotiating style.

Anyway, before and after any communicational interaction, creators make sure, that along with the eye contact, they established heart contact as well.

Coda

Coda

Obviously, the best negotiator officially known in the last couple of thousand years was Jesus Christ, a man of extraordinary sophistication. Indeed, even by the most cynical criteria, during his life he has been communicating so effectively and creatively that he not only had acquired many like-minded peers, but up to the present is considered to be a universal icon for more than a billion followers and admirers. With this idea in mind, which represents the absolute ideal, in the direction of which it makes sense to develop any discussion of human relations, could have been wrapped up, if there had not been one unfortunate circumstance - neither Jesus Christ, nor Mohammed, nor Buddha lived that long and happily on Earth, as we all would have wished.

And if so, then the conversation about creative communications, as well as negotiations, as instruments of achieving happiness for all and oneself in an ever-changing social environment is much more multidimensional and more relevant, than ever before.

Up to date, mankind has invented a great deal of negotiation tactics, strategies, rhetorical techniques and approaches to negotiations, so one might think, we simply need to master them well and apply correctly in magic “if”. That's how it is, but there are no two identical people, conditions and circumstances, that allow practice template negotiations, just as one cannot play purely identically the same tune twice - even if the play is a solo. That is why, artistically speaking, any human interaction act for any reason given might be considered as a way of creative expression, to some extent for which the sky is the limit.

So, why not to make it art?

*What kind of God you are, if you are
not able to create a stone,
that you yourself
can not lift?*

*If you yourself were able to create
a stone, that you can not lift,
what kind of God are you?*



Prior to his emergency call for music and writing, Ilya has set up first legal business in Russia, which specialised in public procurement litigation, and has been resolved disputes for social justice, while consulting small companies in their business relations with monopolies and companies in dominant market position, including law enforcements and crown corporations. Aspiration for common good, combined with intense independent practice allowed him to discover creative ways of multilateral interests mitigation, including signature “Third-party beneficiary” strategy and, afterwords, to find out analogy in creative negotiations, music and Nature itself.