

Negotiation

Introduction

Though it's not explicit in the job description, coordinators are negotiators. Coordinators and their working groups need to design terms of reference, set common standards and indicators, and develop work plans. Coordinators and inter-sector coordinators need to agree on sector approaches to consolidated appeals, cross-cutting issues and contingency plans. Coordinators must address competition between organizations, define limits of engagement with the military and establish productive relationships with host-government counterparts. All of these are negotiations.

Negotiation is a skill that can be learned. It's not easy and practice may not always make perfect. Interested coordinators should consider pursuing negotiation and mediation courses on their own. The guidance in this section is provided to assist coordinators, at a basic level, to be more adept at developing efficient, effective, congenial and collaborative humanitarian working environments.

Negotiation Tips

The following tips are complemented by the 15-step table providing more detailed guidance for building a negotiation strategy:

1. Focus on **interests** rather than on **positions**. *Positions* are what people say they want, especially at the beginning of negotiations. *Interests* are what they really want: deeper, longer-term and more real needs or objectives that often remain hidden at the beginning of the negotiations.
2. Acknowledge emotions and spend more time listening than talking.
3. Use communication techniques to confirm or clarify what you have understood and propose ways forward (see below). This includes probing sensitively to understand nuances in what the other is saying, or not saying, but may really be meaning.
4. Create a viable working relationship based on respect, avoiding a clash of egos and trying not to 'win the argument', but to get an agreed solution.
5. Find a mutually satisfactory compromise while not making concessions on substance simply to maintain good rapport. This involves looking for alternative and creative solutions that may suit both sides' interests (look for the 'common-ground').
6. Manage time and location to your advantage e.g. setting deadlines for decisions and/or postponing decisions so as to consult.
7. Use "levers" (pressure, such as suggesting you will contact superiors of the person with whom you are negotiating).
8. Be sensitive to cultural specificities, especially the local interpretation of social norms (e.g. anticipating any gender or culturally-specific stereotyping or pre-conceptions on the part of either negotiating party).
9. Keep the door open and maintain the relationship if the initial negotiation fails. (Best Alternative to a Negotiated Agreement – BATNA).

10. Prepare a negotiation strategy in function of all the above that considers respective positions, deeper interests, levers (“carrot-or-stick”), gender and cultural aspects, relationship building, fallback positions, and options for maintaining the relationship and keeping doors open if the negotiation fails.

Negotiation Preparation

Negotiators should prepare a negotiation strategy. This guidance may assist them:

Your Opening Position	Their Anticipated Opening Position
Your ultimate objectives and interests	Their probable ultimate objectives and interests
Your bottom line (the compromise less than which you will not accept)	Their possible bottom-line
Your possible compromise proposals: First Second Third	Their possible compromise proposals: First Second Third
Your “levers” (how to exert pressure or offer enticements: carrot-and-stick options)	Their possible “levers” (how to exert pressure or offer enticements: carrot-and-stick options)
Steps to put your strategy into place: whom to prepare, what research to conduct, etc.	What preparatory steps they may take
Options for keeping a return to negotiations open and for preserving relations if initial negotiations fail (Best Alternative to a Negotiated Agreement – BATNA)	Their possible BATNA
How you will build the relationship, especially considering place, time, gender and culture	What their possible reactions will be to place, time, gender and culture

Negotiation Checklist

This tool¹ focusses on “humanitarian negotiation” but coordinators can adapt the generic steps for any negotiation.

Negotiation Steps 1-7	Negotiation Steps 8-15,
<p>1. DEFINE YOUR OBJECTIVES P43</p> <p>Distinguish between positions, bottom lines and interests.</p> <p>Make sure your objectives correspond to, and are consistent with the following:</p> <ul style="list-style-type: none"> • The needs of the affected population; • Your organizational mandate/mission; and, • The work of other agencies. 	<p>8. DEFINE YOUR STARTING POINT AND APPROACH P91</p> <p>Take a step back: identify where you are situated within the compatibility and leverage matrix (C-L Matrix) and adopt an approach that suits your position.</p>
<p>2. IDENTIFY THE RIGHT COUNTERPART P51</p>	<p>9. CHOOSE THE RIGHT TACTICS P93</p>

¹ Adapted from <http://www.hdcentre.org/publications?filter0=45>, **Humanitarian Negotiation: A handbook for securing access, assistance and protection for civilians in armed conflict**, by Deborah Mancini-Roth and André Picot 2004.

Negotiation Steps 1-7	Negotiation Steps 8-15,
<p>Find a counterpart who is receptive to humanitarian values, has implementation power and with whom you can build a good personal rapport.</p> <p>Identify the right counterpart by plotting the findings of your research on a <i>stakeholder map</i>. If your counterpart is inaccessible, consider negotiating through a third party.</p>	<p>Think about how you will counter some of the other party's more aggressive tactics, such as:</p> <ul style="list-style-type: none"> • Take it or leave it; • Hands tied; • Bulldozer/shotgun; • Good guy/bad guy; • Deception; • Blackmail; and, • Guilt trip.
<p>3. MEASURE COMPATIBILITY P61</p> <p>Identify the other party's positions, bottom lines and interests.</p> <p>Compare his/her interests to your own to establish how compatible they are.</p> <p>Concentrate on how interests can be reconciled (principled agreements).</p> <p>Techniques that can be employed to reconcile interests include:</p> <ul style="list-style-type: none"> • Trading interests; and, • Focusing on common goals. 	<p>10. PREPARE YOUR ARGUMENT P102</p> <p>Consider the objective and subjective elements that your argument may contain:</p> <ul style="list-style-type: none"> • Objective elements <ul style="list-style-type: none"> ○ International law; ○ Your organizational mandate/mission; and, ○ Your organizational expertise • Subjective elements <ul style="list-style-type: none"> ○ Fear ○ Authority ○ Self-interest ○ Reflection ○ Universal values ○ Culture <p>Make sure your arguments correspond to, and are consistent with the following:</p> <ul style="list-style-type: none"> • Your organization's mandate/mission and your personality; • Your counterparts' institution and personality; • The larger negotiation context; and, • The affected population.
<p>4. ASSESS YOUR LEVERAGE P69</p> <p>Identify which of the following levers you may use to influence your counterpart:</p> <ul style="list-style-type: none"> • Quiet advocacy; • Loud advocacy; • Material assistance; • Humanitarian expertise; • Allies, such as other states or multilateral organizations; • Fallbacks; 	<p>11. BUILD THE RIGHT RELATIONSHIP P117</p> <p>Remember that in a good relationship: disagreement is acceptable; and substance and relationship have to be kept separate.</p> <p>To manage emotions effectively:</p> <ul style="list-style-type: none"> • Help your counterpart to express his/her emotions; • Know when to express your own emotions; • Listen;

Negotiation Steps 1-7	Negotiation Steps 8-15,
<ul style="list-style-type: none"> • Credibility; and, • Timing. 	<ul style="list-style-type: none"> • Distinguish and find the right balance • Between empathy and sympathy; and • build on humor to create a good rapport.
<p>5. PLAN OPTIONS TO MAXIMISE COMPATIBILITY P81</p> <p>Consider as many options as possible for satisfying your negotiation objectives.</p> <p>Techniques for developing creative options are:</p> <ul style="list-style-type: none"> • looking at the problem through the eyes of your opposite number; • modifying the strength of an agreement; • and altering the scope of an agreement. 	<p>12. MANAGE CULTURAL DIFFERENCES P125</p> <p>Be aware of, and respect, the horizontal and vertical aspects of culture and the ten common areas of cultural difference. Identify and build on cultural commonalities.</p> <p>13. LANGUAGE AND INTERPRETERS P132</p> <p>Follow some general rules for working with, or as, an interpreter</p>
<p>6. ACTIVATE YOUR LEVERS TO MAXIMISE - LEVERAGE P84</p> <p>Take all steps necessary to activate your humanitarian levers.</p> <p>Consider options for expanding your fallbacks, improving your credibility and gaining control over time.</p>	<p>14. MONITOR ONGOING NEGOTIATIONS P139</p> <ul style="list-style-type: none"> • Improve internal communications; • Leave a paper trail; and, • Take time for personal reflection.
<p>7. FORM A NEGOTIATION TEAM TO MAXIMISE LEVERAGE P88</p> <ul style="list-style-type: none"> • Choose a negotiation team that is the same as that of your counterpart in terms of level of authority, expertise, cultural background, personality type, and facilitation skills. • Consider utilizing a <i>shadow person</i> to advise your team. 	<p>15. MONITOR AN AGREEMENT P142</p> <p>Identify specific measures of success and the right monitoring mechanism to ensure that your agreement produces results and has an impact on the life of the people you are trying to protect.</p>

Resources

Picot, André and Mancini-Roth, Deborah. *Humanitarian Negotiation: A Handbook for Securing Access, Assistance and Protection for Civilians in Armed Conflict*, 2004, <http://www.hdcentre.org/publications?filter0=45>.

Ury, William and Fisher, Roger. *Getting to Yes: Negotiating an Agreement without Giving in*. London: Random House, 2011.