



Centre for
Humanitarian
Dialogue

HUMANITARIAN NEGOTIATION

A HANDBOOK FOR SECURING
ACCESS, ASSISTANCE AND
PROTECTION FOR CIVILIANS
IN ARMED CONFLICT

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Deborah Mancini-Griffoli and André Picot
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PREFACE

In 1985, when I was a 24-year-old humanitarian worker with Save the Children in Ethiopia, I remember sitting and watching two only marginally older United Nations (UN) officials negotiating with a charming but ruthless district official of the Ethiopian Communist Party in Korem. The government's programme of forced resettlement had caused some 50,000 people to flee from the relief camp at Korem overnight and the UN officials had been sent by the Secretary-General's Special Representative (SRSG) to find out where they were and to ensure that the local authorities provided guarantees that would allow them to return to the camp and to receive badly needed food and healthcare. It was a difficult, formal meeting complete with tea and much resolve on both sides.

The two officials wore UN badges and armbands and carried a letter from the SRSG. Their visit to Korem had been announced that morning on the BBC World Service. They spoke at length to underline the concern of the United Nations for the 50,000 people now missing and cut off from humanitarian assistance. After listening for ten minutes, the Ethiopian official thanked them for coming and said that the problems in this area were being addressed by the government. Showing them to the door, he then turned, and said politely: "*By the way, what is the United Nations?*"

The meeting ended and the UN was rebuffed. My two friends had done their best to put their case but they had not negotiated. They were not particularly aware that it was their job to negotiate. They had certainly never been trained in negotiation and were given no brief to negotiate. Subsequently, I always knew that I needed to be a good negotiator, but I had little idea how to become one. I did my best by watching others and by trying to think a little before meetings with key people. I have to assume that I was never really much good!

This is why I am so delighted to introduce this handbook on humanitarian negotiation, researched and written by Deborah Mancini-Griffoli and André Picot here at the Centre for Humanitarian Dialogue. Two years ago, we identified negotiation as a critical transferable skill in all humanitarian work, but one that was not well understood by humanitarian workers and, in general, one that was very poorly resourced by the

agencies that employ them. It is our hope that this first handbook on the subject will begin to address the gap in knowledge. We hope, too, that it might be the first part of a longer process in which the humanitarian sector refines and improves its negotiation skills.

In putting the handbook together we have been greatly assisted by an expert Advisory Committee. An important part of the discussions of this group have centred on whether or not it makes sense to produce a single handbook on negotiation for humanitarians who will be working in so many different cultural settings. Some wondered if there really are aspects of negotiation practice that are trans-cultural. Are there universal principles that always guide the way people communicate, argue, confront, bargain, agree or disagree with one another? Are we right to try and recommend a particular negotiation framework for humanitarian workers? Or are we imposing a singular and culturally specific way of doing things, rather than encouraging humanitarians to explore the many different ways in which people interact in various contexts?

These are important questions, and we do not pretend to have found satisfactory answers to them. We do believe, however, that there is value in offering a general framework for planning and implementing a negotiation strategy. Our overall aim is not to prescribe a single approach that is valid in all cases, but, rather, to make humanitarians realise that they need to take negotiation seriously. We would be very pleased if one result of our suggesting a general model was that others refined and adapted it to take account of cultural, social or other factors specific to a given situation in which they find themselves, or even rejected it outright in favour of a different model altogether. In short, this handbook is intended to begin the discussion.

We are very keen to receive feedback on our approach, so please feel free to send us your thoughts and comments on the handbook and to tell us about your experiences of using it. You can write to us at info@hdcentre.org or to the Geneva International Academic Network (www.ruig-gian.org) at info@ruig-gian.org.

Hugo Slim
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INTRODUCTION

How many humanitarian workers have walked empty-handed out of a government office, emerged frustrated from a long meeting with militia commanders, or reluctantly turned away from a military checkpoint wondering if they could have done better?

Many people in United Nations (UN) agencies, the Red Cross movement and non-governmental organisations (NGOs) spend a great deal of time presenting the case for humanitarian action. This is despite the fact that the international norms on which humanitarian action is based are, in principle, recognised as absolute and so, in an important sense, as non-negotiable.

International law imposes obligations on states, non-state parties and individuals alike, which they cannot bargain over. In reality, however, power enables parties to a conflict to violate people's rights, avoid their obligations or pick and choose when and where they decide to meet them. Humanitarians thus constantly need to remind, affirm, encourage, convince, persuade and pressurise all parties in an armed conflict to agree on humanitarian action and ensure respect for international law. This creates a difficult operational paradox for humanitarian workers, as they find themselves inevitably negotiating *in practice* that which is non-negotiable *in principle*. This paradox constitutes a humanitarian's typical operational environment and his or her foremost day-to-day challenge.

More than this, power also usually dictates that humanitarians are seldom in a strong enough position to exert sufficient influence over the other party to achieve an outright victory for humanitarian norms – what negotiation theorists call a win-lose scenario. In the great majority of situations, therefore, the most that humanitarians can hope for is to secure a *second best* agreement. In business, second best may be good enough. In war, it usually means that, while good for some people, others remain extremely vulnerable.

In a terrible way, these three features of humanitarian work may need to be understood and accepted as the three laws – or three dilemmas – of humanitarian negotiation, such that:

- it involves negotiating the non-negotiable;

- it typically takes place from a position of relative weakness; and
- at most, it can usually only hope for second best outcomes.

No wonder that, in light of these challenges, many aid workers often feel discouraged. But how many of them have ever received effective training in negotiation? How many of them have thought of practical tools that could help them improve their performance? How many have really sat together as a team to work out the strategy and tactics that they will utilise in discussions that they hold on behalf of populations affected by war?

This book is based on the assumption that the picture of humanitarian negotiation need not be one of fatalism and despair. While not losing sight of the very real structural problems faced by humanitarian negotiators in political situations, which are profoundly and determinedly anti-humanitarian, we believe that good negotiation practice can make a difference when making the case for access, assistance and protection.

The Purpose of this Handbook

Our main goal in this handbook is to enhance individual and organisational negotiation skills. We hope that by reading, discussing and reflecting on the material that follows, individual humanitarian workers will become better negotiators and that humanitarian agencies will become more strategic and effective in the way they negotiate in any given situation. Ultimately, of course, we hope that this will secure greater protection and assistance for the people who need it most.

Humanitarian work is increasingly recognised as a profession in its own right. New standards of best practice have been set across the many technical fields required to protect and assist civilians in war. Healthcare, food security, water provision, sanitation, shelter, site planning, social work, staff security, legal knowledge and protection have all been the objects

with more than 100 humanitarian workers who have worked in many different areas of armed conflict with a variety of UN, Red Cross and NGO agencies. Case studies were also conducted in Côte d'Ivoire, a country that is currently going through an intense armed conflict, and Macedonia, a nation in post-conflict transition. The former allowed us to gain insights into humanitarian negotiations as they happen; the latter enabled us to understand how humanitarian negotiations are perceived with hindsight and also afforded us easier access to former combatants.

In Côte d'Ivoire and Macedonia a number of government officials and representatives of armed groups who have negotiated with humanitarians in recent conflicts were interviewed alongside experienced humanitarian staff from national and international agencies. Quotes from these interviews are cited anonymously throughout the text. See Annexe I for more details on the methodology.

Terminology

Throughout the handbook we use the term *negotiator* to denote any member of a humanitarian agency, at whatever level, who is engaged in negotiations for humanitarian ends. We also use the term *interlocutor* to refer to any person with whom a humanitarian negotiates to secure humanitarian ends. This might be a representative of a government, armed group or directly affected civilian communities. In francophone discussion of humanitarian negotiation interlocutor is the term of choice to describe people with whom humanitarians negotiate. In English, though, this term is rather cumbersome and not widely employed, so we also use phrases like *the other party*, *the other side*, *your opposite number* or even *counterpart* to refer to interlocutors. To non-native English speakers **counterpart** may sound like a confrontational term. However, it actually implies complementarity and a degree of partnership. We have refrained from using the stronger word *partner*, due to the different objectives that the two parties in the humanitarian negotiation may possibly have.

At several points in the handbook we refer to and use some of the jargon from negotiation theory – this is explained in the text. Those of you who wish to pursue such theory further will find additional references at the end of the book. Throughout the handbook, we are assuming that readers are familiar with the technical terms of our own humanitarian profession. Hence, references to protection, assistance, access, advocacy and so forth receive no further explanation.

How the Handbook is Organised

The handbook is arranged into five parts – each consisting of several chapters.

- **Part 1** provides a general overview of humanitarian negotiation.
- **Parts 2–5** outline our negotiation framework. They describe the four key negotiation phases (analysis, strategy, face-to-face and follow-through), as illustrated in the diagram below.

At the end of each part, a short summary recapitulates the main argument. Furthermore, each chapter in parts 2–4 contains a practical checklist that sums up its basic points.

Content at a Glance



Note

- 1 Interlocutors equally lack awareness of the fact that they are negotiating. A government official in Southeast Asia said, for example: “I am often meeting with humanitarians. They provide me with information. I provide them with information. They ask me for passage that I grant them if I have the power, but we are not really negotiating.”