



ANNEXES

ANNEXE I THE METHODOLOGY BEHIND THIS HANDBOOK

The research for this handbook was carried out in collaboration with the International Committee of the Red Cross (ICRC), the United Nations High Commissioner for Refugees (UNHCR), the Graduate Institute for Development Studies in Geneva (IUED) and the pluri-faculty programme for Humanitarian Action in Geneva (ppAH). Financial support came from the Geneva International Academic Network (GIAN), UNCHR and ICRC. The original idea for the study and this handbook emerged from members of the Centre for Humanitarian Dialogue's Humanitarian Negotiators Network (HNN).

Members of the HNN include a range of staff from UN agencies, the ICRC, international and national NGOs. Many of them suggested that we could help to improve and delineate best practice in the field of humanitarian negotiation by amassing different people's experiences and drawing lessons from them. Broadly speaking, this handbook is just that: a collection of diverse practitioner experience and wisdom that we have combined with a study of negotiation theory to produce a practical framework for planning and managing humanitarian negotiations.

The research was, therefore, conducted in two phases: a conceptual phase and an empirical phase. During the conceptual phase, we reviewed some of the current literature on negotiation in other fields, including negotiation theory, psychology and the particular principles of negotiation in the spheres of business, legal practice, politics and human rights. The purpose of this exercise was to find out what generic practical advice was applicable to humanitarians, while also identifying what is particular to humanitarian negotiations and the violent environments that humanitarians find themselves in.

During the empirical phase, we conducted some 60 individual interviews and four focus groups containing approximately ten participants each, including humanitarians and counterparts from governments, armed groups and civilian populations. Although we made a conscious effort to accord equal importance to humanitarians and counterparts, we generally enjoyed easier and more frequent access to humanitarians; this may have affected our analysis.

In order to take account of different political and socio-cultural factors in negotiation, we chose two very different contexts for the field research. One-third of the research was conducted in Côte d'Ivoire, a country that is currently experiencing an intense armed conflict. This allowed us to gain insight into humanitarian negotiations as they happen. Another one-third of the research was completed in Macedonia, a nation going through a post-conflict transition. This allowed us to understand how humanitarian negotiations are perceived with hindsight and also afforded us easier access to previous counterparts from armed opposition groups. The last one-third of our interviews was conducted in Geneva and included representatives of UNHCR and the wider UN system, the ICRC and several international NGOs. In all interviews, people were asked about their current and past negotiation experiences in a way that allowed us to refer draw on experience from a wide range of countries and operational settings.

In selecting interviewees, we made an effort to find a balance between humanitarian staff members working in headquarters and those situated in the field, national and international workers, medium and senior level staff, and women and men. Nonetheless, we gave preference to individuals who we knew had significant negotiation experience. We sought similar diversity in our sample of counterparts, including government representatives, police officers, military staff, checkpoint guards and members of rebel groups. We also paid attention to the gender balance in this sample.

We used two questionnaires: one for humanitarians and one for their interlocutors. The interlocutor questionnaire varied depending on the type of counterpart. For example, when talking to military representatives and police officers we emphasised checkpoints; with civil authorities we put the stress on questions concerning the negotiation protocol, communication or culture; with civilians we explored their perceptions of humanitarians and negotiations with affected communities regarding the distribution of assistance. In Macedonia and Geneva our questionnaires were thematic. In Côte d'Ivoire, where we worked with Dieneba Doumbia of the University of Cocody-Abidjan, and her team of assistants, we decided to use more rigid questionnaires listing questions individually.

Some interviews were conducted formally, others rather informally, allowing interviewees to share personal anecdotes with us. During most of our interviews, we worked in teams of two people. When appropriate and agreed to by the interviewees, we recorded the interviews on tape. The local research team in Côte d'Ivoire transcribed the interviews conducted there verbatim. We agreed to anonymity with everyone we interviewed.

ANNEXE II SPECIFIC EXAMPLES OF OPERATIONAL AND FRONTLINE NEGOTIATIONS

Operational Negotiation: Needs Assessment and Programme Agreements with Affected Civilian Communities

Direct negotiations with an affected civilian population are a common part of humanitarian activity during needs assessments and planning meetings that aim to reach agreement on the way aid is distributed or protection is increased. Atypically, humanitarians often find themselves in a position of strength in such negotiations because they are the ones with the resources and significant decision-making power. The most difficult moments in these negotiations are usually when humanitarians set out what they will not be doing and make hard decisions about the limitations on the distribution of aid, the recruitment of staff and pay. Active listening, expectation management, patient explanation and the use of a skilled interpreter, if necessary, are critical in such negotiations.

In such situations, experienced humanitarian negotiators offer the following advice.

- **Carefully choose your counterparts** When choosing people to negotiate with in a community it is vital to identify individuals who represent the entire affected population and who are seen as legitimate representatives of the population. Although formal leaders among the population (elders, traditional chiefs, local authorities) may be easily accessible and etiquette dictates that you contact them, it is not enough to limit yourself to this group. You also need to talk to others from across the spectrum – with respect to class, gender, age and interests – and to reach out to the most disadvantaged segments of the populations. International staff members need to be especially wary of younger English-speaking members of the community or representatives of Christian minorities who seem to make excellent gatekeepers between you and the community but whose sudden pivotal role and increased power may cause significant intra-group and inter-generational friction within the community.

- **Protecting your negotiating counterparts** Your counterparts may come under enormous pressure from the governing authorities and from within their own community without you knowing it. People may feel that your counterparts did not present all of their needs or that they should have asked for much more assistance. Political and military authorities may think people have told you too much. Protection information can be particularly sensitive in this regard. Your counterparts and others may well tell you that they lack food because the military takes it, that they are not allowed to cultivate their land, or that their fields are mined and their women are harassed by soldiers.

To protect your individual counterparts from such threats, widen your sources of information and avoid being in obvious interviewing mode by talking casually to as many people as possible while carrying out routine activities like building a well or providing medical assistance. Never insist that someone talk to you, and change your opposite number in the community if your counterpart seems reticent. Be discreet and hold informal meetings in private if your counterparts do not object.

- **Manage unrealistic expectations** In places where there is desperate suffering and deep poverty, the presence of rich humanitarian agencies can raise people's expectations enormously and generate bitterness and outright hostility if these expectations are not met. Always think twice about entering an area and engaging people in discussion if, in truth, you are unlikely to work there. Utilise other agency's information where it exists and thereby prevent the assessment fatigue that communities are sometimes forced to endure as a result of a succession of agency visits. If direct assessment seems essential, be careful to explain and reiterate that your resources are limited and targeted using specific criteria, and that you cannot make promises. At the same time, limit the extent to which you intrude on people's lives and infringe on their precious time.

Frontline Negotiation: Crossing a Checkpoint

The crossing of a checkpoint often takes place without incident, but sometimes humanitarians are stopped and required to negotiate their way through. Such frontline negotiations can pose four particular challenges.¹

- **Physical threat** If you or your team's personal safety is at risk, you must protect yourselves even if this involves abandoning your strategy or making concessions that would normally be unacceptable. If your life is in immediate danger, put all other priorities to one side and be ready to react quickly, and rely on the training and guidelines that your organisation has provided for such situations.
- **Lack of control over the negotiation** In such a situation you will often have very little influence. Rarely will you be in a position to choose an adequate negotiation counterpart or control the process. But you must make the most of what you have and control what you can. For example, try to negotiate with the person in charge of the checkpoint rather than with a subordinate. Choose the most auspicious moment to cross the checkpoint. If alcohol use among checkpoint staff is a problem, mitigate it by choosing the most appropriate time of day.
- **Strong emotions** People controlling checkpoints are often under pressure, either from their superiors or because they are concerned about nearby enemy operations. They may be more stressed than you. To minimise the emotions involved it is important that you avoid representing a threat in any form. For instance, only transport persons and materials that are indispensable to the success of your mission and that do not provoke controversy. If you are the target of verbal aggression, always count to eight before replying. Act as transparently and predictably as possible, making eye contact and employing listening skills. Remember that your counterpart's experience of war may be as terrible as that of the population you are trying to assist. Strike the right balance between being self confident and acting within one's rights and appreciating why the guards do not want to let you pass. They may have good reasons, which are also in your interest, but which they cannot inform you of.
- **Bribery** Goods that humanitarians carry are often coveted by checkpoint guards. Although it may be wise to give in to their demands in a life threatening situation, in general it is important not to buy your way across a checkpoint. Doing so can create a dangerous precedent and escalate the risks facing other humanitarian actors. Furthermore, you will be seen to be assisting a party to the conflict, with all the consequences this entails for your impartiality and neutrality. Also refrain from offering personal items, such as cigarettes,

chewing gum or pens, as this will set a precedent and put demands on your humanitarian colleagues that pass through the checkpoint after you. A smile, a handshake and a show of respect will often be the most effective ways to establish human contact and calm a situation.

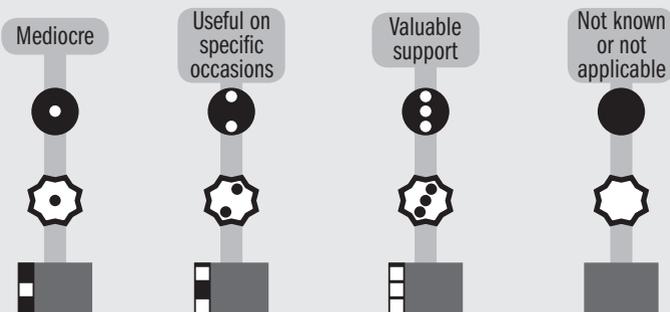
Note

- 1 For a more detailed account of security considerations during humanitarian operations, see Roberts, David Lloyd. *Staying Alive, Safety and Security Guidelines for Humanitarian Volunteers in Conflict Areas*. Geneva: ICRC, 1999.

ANNEXE III DETAILED STAKEHOLDER MAP

-  Private
-  Civil society actors, local NGOs, economic actors
-  International organisations
-  Authorities which exercise power or influence those in power (government authorities, political parties, armed forces, armed groups, etc)

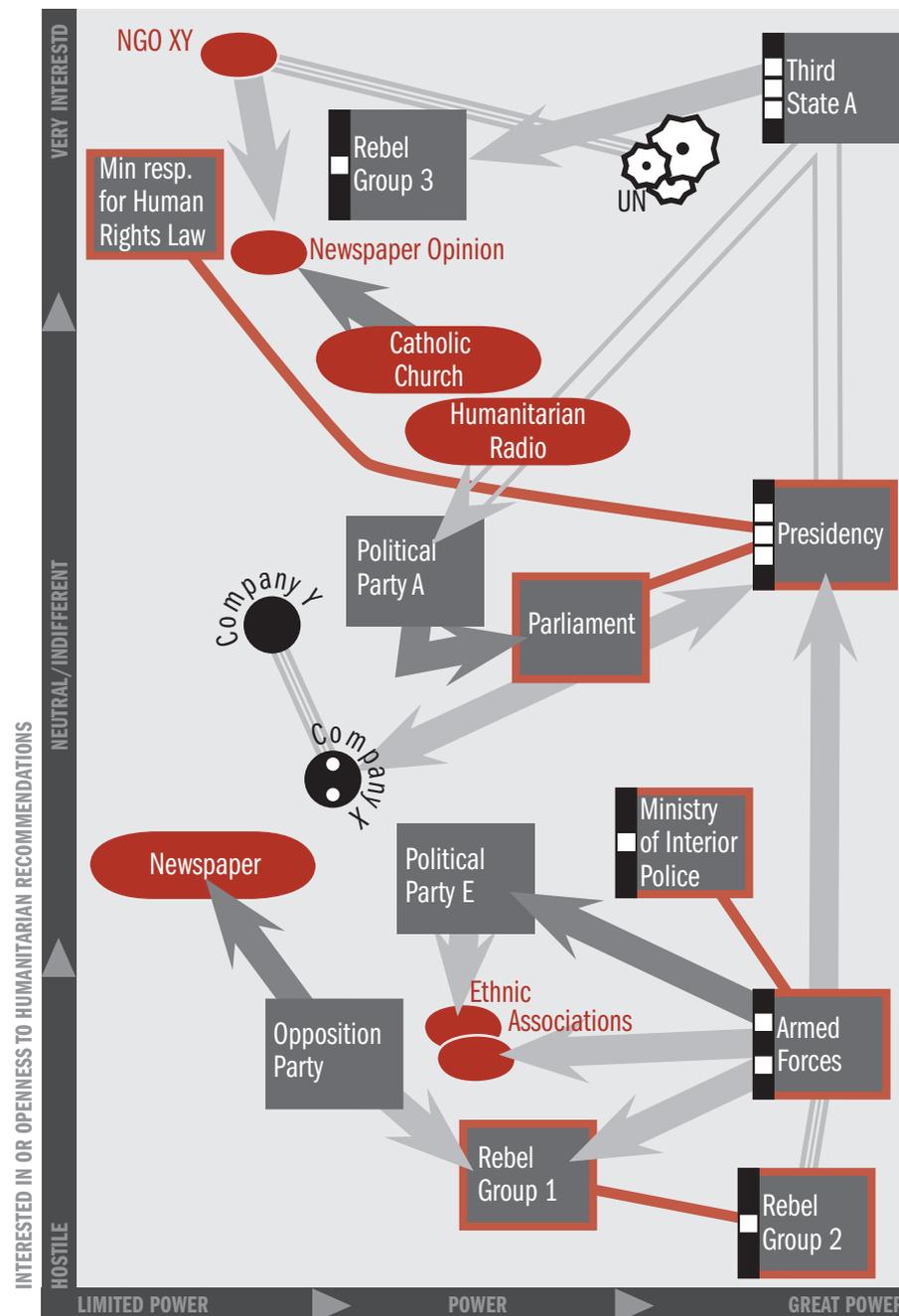
Quality of contacts with your organisation, if any



Arrows indicate links between actors

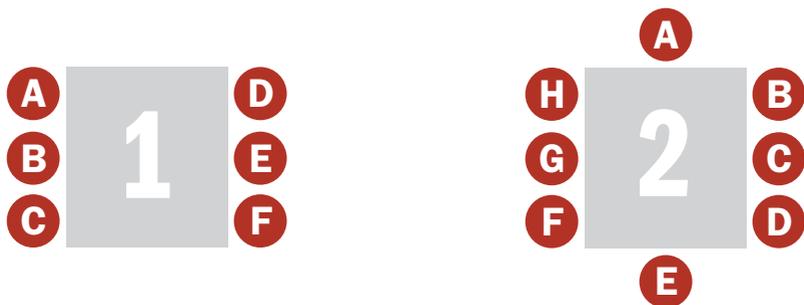


Source: ICRC. *L'Analyse de l'environnement. Schéma d'Analyse*, 2004, p. 25.



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ANNEXE IV SEATING ARRANGEMENTS



Neutral Seating

In neutral seating arrangements, each negotiator has an equal view and enjoys equal access to the other negotiators. Such an arrangement usually looks like figure 1.¹

Seating Protocols

In the seating arrangement of figure 2, A, sitting at the head of the table, would be the person with the most authority. According to Larry Teply, power then flows clockwise. This means that H would be the person with the least power. E is seated in a position from which he/she can challenge A directly. Teply points out that parties sitting opposite each other often adopt adversarial approaches. In contrast, parties who sit side-by-side, at an angle to each other, or in an open circle, act more cooperatively.²

The kind of chair that each negotiator is asked to sit on, whether he/she has a name plate, the way in which he/she is represented on this plate (name, job title, etc.) are all matters connected to power and status that must be treated seriously.

Seating protocols can be used to express respect or disrespect for counterparts. Do remember, though, that a clockwise power flow is a Western norm. Other seating protocols will apply in other cultural contexts that you will need to be well aware of.

The Power of a Desk

Many officials will purposely stay seated behind their desk, exuding authority and deliberately putting you at a disadvantage. While they are elevated and guarded by the trappings of their power and status, you will find yourself exposed, usually sitting in a lower seat and often very conscious of the door behind you.

Breaking out of the desk dynamic is something of an art. It can be done by refusing to sit down immediately and, instead, admiring the view from a window or an object on the wall in such a way as to lure your counterpart into joining you. Sometimes, a direct approach can work in which you point out the problem and say that you would prefer to talk together in the chairs in front of the desk or during a walk around the building or its garden.

Notes

- ¹ Graph taken from Teply, Larry. *Legal Negotiations in a Nutshell*. *Op. cit.*, p. 133.
- ² *Ibid.*, p. 135.

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