



Understanding Humanitarian Negotiation: Five Analytical Approaches

Executive Summary

This briefing note aims to support the humanitarian sector's efforts to apply a deeper level of analytical and strategic thinking to humanitarian negotiation. Toward this end, it provides an overview of how the rich body of literature focused on negotiations in other contexts—political, commercial, and legal settings, for example—can inform our understanding of humanitarian negotiation. In particular, this briefing note focuses on five analytical approaches to negotiation: (1) distributive, or power-based, negotiation; (2) integrative, or interest-based, negotiation; (3) basic human needs-based negotiation; (4) the behavioral approach to negotiation; and (5) culture as a factor in negotiation. By examining humanitarian negotiation through the lens of these five approaches, this briefing note seeks to shed light on the potential factors that drive humanitarian negotiations and to promote further scholarly analysis and professional reflection in this field.

Introduction

Despite increased focus on the crucial role that negotiation plays in humanitarian settings, a dearth of scholarship and analysis has been devoted to this issue.¹ While a wealth of literature exists about negotiations in other contexts—political and commercial settings, for example—the analytical frameworks elucidated in this rich body of literature have yet to be systematically applied to negotiations that occur in the context of humanitarian operations. Indeed, existing literature on humanitarian negotiations consists primarily of context-specific case studies.² These case studies offer valuable insights into the dilemmas that humanitarian negotiators have faced in particular operations. However, existing literature leaves room for comparative analysis across different contexts.

This briefing note aims to offer a tool for promoting further scholarship and analysis to close this research gap. Toward this end, it presents an overview of five analytical approaches by which humanitarian negotiations can be understood, drawing on insights elaborated in literature produced over the past several decades on negotiation in political, commercial, and legal contexts. The five analytical approaches on which this briefing note focuses are: (1) distributive, or power-based, negotiation; (2) integrative, or interest-based, negotiation; (3) basic human needs-based negotiation; (4) the behavioral approach to negotiation; and (5) culture as a factor in negotiation. Some of these approaches are conceptually related or even

¹ See generally Rob Grace, “Humanitarian Negotiation: Challenges and Lessons Learned in an Emerging Field,” Advanced Training Program on Humanitarian Action, http://www.atha.se/sites/default/files/humanitarian_negotiation_-_key_challenges_and_lessons_learned_in_an_emerging_field.pdf.

² For examples, see generally Claire Magone, Michael Neuman, and Fabrice Weissman, eds., *Humanitarian Negotiations Revealed* (London: Hurst & Company, 2011); Ashley Jackson and Abdi Aynte, “Talking to the other side: Humanitarian negotiations with Al-Shabaab in Somalia,” HPG Working Paper, Humanitarian Policy Group, December 2013, <http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/8744.pdf>; and Mark Cutts, “The humanitarian operation in Bosnia, 1992-95: dilemmas of negotiating humanitarian access,” *New Issues in Refugee Research*, Working Paper No. 8, UNHCR, May 31, 1999, <http://www.unhcr.org/3ae6a0c58.pdf>.

overlapping (e.g., insights drawn from the integrative model are relevant to the behavioral approach), and others might not be universally recognized as constituting a distinct “theory” of negotiation (e.g., issues of culture). However, these five approaches constitute the most dominant and relevant approaches discussed in the academic literature.³

The overall objective of this briefing note is to support the humanitarian sector’s efforts to apply a deeper level of analytical and strategic thinking toward humanitarian negotiation. For researchers with an interest in this topic, this briefing note takes a first step toward marrying the small but growing body of literature on humanitarian negotiation with broader negotiation theory, paving the way for further scholarly work. For humanitarian practitioners, the analytical approaches presented here offer an opportunity to deepen their understanding of their own negotiation experiences, in support of measures to hone and refine their negotiation skills and to carry forward lessons learned to other colleagues in the field. For policymakers, the different approaches and views of negotiation discussed in this briefing note could inform the further development of policy guidance, as well as organizational approaches, to humanitarian negotiation.

I. Distributive, or Power-Based, Negotiation

The main underlying assumption of distributive negotiation is that a fixed amount of value exists on the negotiating table to be distributed among the negotiating parties. This assumption implies that whatever one party gets as a result of the negotiations is equal to whatever the other party loses—in short, that negotiation is a “zero-sum” game. Since power plays an important role in the distribution process, this type of negotiation is often called power-based. Beginning in the 1960s, when literature systematically analyzing negotiations first emerged, early negotiation theory generally focused on international scenarios and placed emphasis on this competitive, “zero-sum” approach to bargaining.⁴ The key steps in a negotiation process defined by power-based bargaining are:

1. The parties make initial offers.
2. The parties take steps to signal their commitment to their initial offers. This step, called “anchoring,” can be achieved in many different ways—for example, by claiming that

³ Additional analytical strands may be found in negotiation literature. For information on the role that gender plays in negotiation, see generally Natalie B. Florea et al., “Negotiating From Mars to Venus: Gender in Simulated International Negotiations,” *Simulation & Gaming* 34, no. 2 (2003): 226-48; Sarai B. Aharoni, “The gender-culture double bind in Israeli-Palestinian peace negotiations: A narrative approach,” *Security Dialogue* 45, no. 4 (2014): 373-90; Abigail E. Ruane, “‘Real Men’ and Diplomats: Intercultural Diplomatic Negotiation and Masculinities in China and the United States,” *International Studies Perspectives* 7, Issue 4 (2006): 342-59; and Karin Hederos Eriksson and Anna Sandberg, “Gender Differences in Initiation of Negotiation: Does the Gender of the Negotiation Counterpart Matter?” *Negotiation Journal* 28, Issue 4 (2012): 407-28. For literature addressing the role of language in negotiation, see generally David V.J. Bell, “Political Linguistics and International Negotiation,” *Negotiation Journal* 4, Issue 3 (1998): 233-46; and Raymond Cohen, “Resolving Conflict Across Languages,” *Negotiation Language* 17, Issue 1 (2001): 17-34.

⁴ See generally P. Terrence Hopmann, “Two Paradigms of Negotiation: Bargaining and Problem Solving,” *The Annals of the American Academy of Political and Social Science* 542, no.1 (1995): 24-47.

the public or a superior decision-maker will not agree to a deviation from the initial offer. This step reduces the parties' ability to compromise.⁵

3. The parties pressure each other to make concessions by issuing threats or sanctions and also by providing incentives through proposed rewards. Power plays a critical role in the coercive efforts inherent in this step.
4. After a period of time, the parties make concessions that begin to bring their positions closer together. However, this process is dynamic; previous concessions can be and often are withdrawn, moving the parties further apart from one another again. The process of applying pressure and offering incentives for concessions then continues.
5. The parties agree to a final compromise and strike a deal.⁶

As the steps presented above suggest, in the distributive model, power influences the dynamics at each step of this process. How, then, can power be defined and conceptualized? Many different approaches exist,⁷ but one widely cited conceptualization belongs to Joseph Nye, who defines power as the ability to influence the behavior of others to realize the outcomes one wants.⁸ Nye distinguishes between three general forms of power: (1) the power to coerce through threats of force; (2) the power to induce a desired outcome through payment; and (3) the power to co-opt another party to do what one wants.⁹ Distributive negotiation emphasizes the first two of these types, which together can be called "hard power." The third type, "soft power," is more commonly associated with integrative negotiation and is examined in greater detail in Section II below.

Consider the distributive model—and the role of "hard power"—in relation to the following example: A humanitarian organization is negotiating with a representative from a non-state armed group (NSAG) for access to territory under the NSAG's control. The NSAG representative takes the initial position that access to beneficiaries will not be granted unless the NSAG is able to distribute the aid directly. The humanitarian organization initially demands unconditional access. Both sides initially claim that they will not and cannot deviate from these initial positions. As part of this process, the NSAG representative exploits his or her "hard power" advantage by threatening to compromise aid worker security—for example, by refusing to guarantee safe passage through the territory. The humanitarian organization has a lever of coercion at its disposal in the form of a threat of public denunciation. Both parties

⁵ For discussion of the role of domestic constituents in international negotiations, see generally Robert D. Putnam, "Diplomacy and Domestic Politics: The Logic of Two-Level Games," *International Organization* 42, No. 3 (1988): 427-60.

⁶ Hopmann, "Two Paradigms," 26. Also see generally Charles Walcott and P. Terrence Hopmann, "Interaction Analysis and Bargaining Behavior," in *The Small Group in Political Science*, ed. Robert Thomas Golembiewski (Athens: University of Georgia Press, 1978), 251-58.

⁷ For examples, see generally Felix Berenskoetter and M. J. Williams, eds., *Power in World Politics* (London: Routledge, 2007); and Steven Lukes, *Power: A Radical View* (Basingstoke: Palgrave Macmillan, 2005).

⁸ Joseph S. Nye, *Bound to Lead: The Changing Nature of American Power* (New York: Basic Books, 1990), 25-35.

⁹ *Ibid.*

then begin to make compromises. The humanitarian negotiator, for example, might agree to pay the NSAG a “fee” or “tax” (in the form of money or material aid, for example) in order to gain territorial access to beneficiaries.¹⁰ In the end, although the NSAG representative might not get everything he or she wanted in the initial offer, the humanitarian organization does concede to conditional access.

One can see that, in such scenarios, as the parties move through the five negotiating steps elaborated above, the asymmetric power dynamics of the negotiating parties yields a scenario unfavorable to humanitarian organizations, which either cannot or categorically will not compete on a “hard power” level, limiting their ability to extract concessions from their interlocutors. Furthermore, distributive negotiations can and usually do become quite protracted, a fact that feeds into the asymmetric power dynamic mentioned above. In order to reach a compromise in a “zero-sum” game, negotiators on both sides generally have to give something up. However, given the confrontational approach of the distributive model, both parties are reluctant to make concessions, and the party feeling less time pressure gains an advantage. Returning to the humanitarian negotiation example discussed above, because the needs of the affected population are immediate, the humanitarian organization does not have time on its side. The NSAG representative, however, may not feel the same pressure because he or she is personally unaffected by refusing to allow access to the humanitarian organization (except in circumstances in which the NSAG itself is in need of aid and hopes to benefit directly from the goods that the humanitarian organization seeks to deliver). Overall, these dynamics tend to strengthen the relative power position of the NSAG.

In distributive negotiation, some compromise from each party is required for either party to receive anything, and adverse consequences may result if one party believes that the other did not compromise enough. As Roger Fisher and William Ury explain in their book, *Getting to Yes* (the seminal work outlining the integrative approach, to be discussed in greater detail in Section II), the relationship between negotiating parties can suffer under “zero-sum” conditions if an initial settlement has left one party feeling that they did not receive their fair share of the negotiating pie. These negative feelings may prevent the parties from developing a positive relationship with one another, potentially influencing both parties’ negotiation strategies and tactics in future negotiations.¹¹ Such considerations can be especially important during protracted crises, when humanitarian negotiators seek to forge long-term relationships with their interlocutors.

II. Integrative, or Interest-Based, Negotiation

The distributive model of negotiation is drastically limited by its rigid, singular focus on power and positions, as well as its limited room for compromise. As such, it has inspired a rich, alternative body of literature that discusses more holistic or integrative interest-based negotiation strategies. Popularized by the aforementioned Fisher and Ury book, *Getting to Yes*, integrative bargaining is a strategy by which parties collaborate to find “win-win” solutions.

¹⁰ See Jackson and Aynte, “Talking to the other side,” 9-10, which discusses humanitarian negotiators agreeing to this condition to gain access to territory in Somalia controlled by Al-Shabaab.

¹¹ Roger Fisher, William Ury, and Bruce Patton, *Getting to Yes: Negotiating Agreement Without Giving In*, 2nd ed. (New York: Houghton Mifflin, 1991), 157-59.

The focus is on developing mutually beneficial agreements based on the interests of the negotiators, with the understanding that interests are the underlying reasons that people become involved in a conflict. The goal of integrative negotiation is for both parties to create joint value, also called “enlarging the pie.” This is usually possible when there are multiple issues involved in the negotiation, making it possible for parties to trade-off between the issues so that both sides can be satisfied with the final outcome. Generally, integrative bargaining may be used when parties are willing to adopt a forward-looking or problem-solving approach that will benefit both sides.¹² This approach also generally requires that the parties foster an ongoing relationship and develop a shared understanding of what is to be accomplished. Integrative bargaining emphasizes four main precepts:

1. Separate the people from the problem. In other words, parties should work together to attack a problem, not each other. Negative emotions are often seen as obstacles to this approach.¹³
2. Focus on interests, not positions. The idea behind this precept is that the goal of negotiation is to satisfy each party’s underlying interests, which can be reconciled through gathering information and finding creative solutions, even if initial positions seem fundamentally at odds with one another. By reframing the issue in terms of parties’ interests, rather than their bargaining positions, it may be easier to find common ground.¹⁴ One example discussed in *Getting to Yes* is the negotiation between Israel and Egypt over possession of the Sinai Peninsula at the 1978 Camp David Summit. Since only one state could control the territory, the two countries’ positions seem deadlocked. Yet the interests behind these positions—namely, Egypt’s desire for historic territory and Israel’s desire for national security—were not truly incompatible. Ultimately, the negotiations were successful, ending with the return of the Sinai to Egypt under the condition of its full demilitarization.¹⁵ As this example demonstrates, it is possible to reach a compromise solution that satisfies both parties’ interests, which might not actually conflict at all.
3. Generate a variety of possibilities before deciding what to do. Fisher and Ury’s Sinai example illustrates this precept as well. It is important to brainstorm creative options for mutual gain in negotiation and to avoid becoming locked into premature judgments, searching for just a single answer, or assuming that there is a “fixed pie.”
4. Insist that the result be based on some objective standard. This precept means that the solution should be based on principle, rather than pressure, using such standards

¹² For more on forward- and backward-looking approaches to negotiation, see Daniel Druckman, “Negotiating in the International Context,” in *Peacemaking in International Conflict: Methods & Techniques*, rev. ed., ed. I. William Zartman (Washington, D.C.: United States Institute of Peace, 2007), 140-41.

¹³ See “Section IV: The Behavioral Approach” for a more thorough discussion of the role of emotion in negotiations.

¹⁴ Oliver Ramsbotham, Hugh Miall, and Tom Woodhouse, *Contemporary Conflict Resolution*, 3rd ed. (Cambridge: Polity Press, 2011), 187-88.

¹⁵ For an analysis of the Camp David negotiations, see generally Howard Raiffa, “The Camp David Negotiations,” in *The Art and Science of Negotiation* (Cambridge, MA: Harvard University Press, 1982), 205-17.

as fairness, efficiency, market value, or scientific merit. This focus helps preserve relationships and obtain settlements by tying the negotiated outcome to some externally verifiable benchmark.¹⁶

As the above points indicate, interests, communication, and relationship building are key aspects of integrative bargaining.¹⁷ By identifying one another's interests, the negotiating parties increase their ability to develop "win-win" solutions that are mutually acceptable. In order to identify these interests, a negotiator must uncover the roots of the interests and priorities of the party he or she is representing, as well as those of the opposing party. After interests are identified, the parties must work together to determine the best method for reaching a compromise that takes all of these interests into account. One method is to brainstorm possible solutions without initially criticizing or dismissing any options, with the goal of allowing parties to develop creative ideas for meeting the various relevant interests and needs. The purpose is to devise a settlement that each party sees as a win rather than a loss. This core attribute—that negotiation is seen as a "positive sum," as opposed to a "zero-sum," game—distinguishes the integrative approach from the distributive model detailed in Section I.

Existing policy guidance on humanitarian negotiation draws heavily on the integrative approach. For example, a handbook produced by the HD Centre for Humanitarian Dialogue notes, "Talks can easily reach deadlock if they follow a single path or continually look at problems in the same way. Successful negotiators are often agile and creative with respect to the way in which they treat the substance of discussion, at every sign of deadlock finding ways to look at facts differently, changing the emphasis in an argument, and making novel offers."¹⁸ Regarding the importance of rationalism and objectivity, the handbook states, "Many negotiation theorists advise shifting the substantive focus of negotiations from subjective to objective matters whenever emotions are rising and threatening to produce a stalemate. Moving the discussion from feelings to facts can present greater opportunities for problem solving."¹⁹ In a similar vein, a United Nations handbook on humanitarian negotiation emphasizes the possibility of evoking humanitarian principles to promote integrative approaches, and in particular states, "Humanitarian principles help to frame humanitarian negotiations . . . by providing a set of criteria for developing options for consideration by the negotiating parties."²⁰

However, there are limits to the integrative model, as demonstrated, for example, by negotiations in certain cross-cultural contexts, as will be examined further in Section V below.²¹

¹⁶ Fisher, Ury, and Patton, *Getting to Yes*, 10-11.

¹⁷ See Bernard Mayer, *The Dynamics of Conflict Resolution: A Practitioner's Guide* (San Francisco: Jossey-Bass Inc., 2000), 151-54.

¹⁸ *Humanitarian Negotiation: A Handbook for Securing Access, Assistance and Protection for Civilian in Armed Conflict*, HD Centre for Humanitarian Dialogue, 2004, 93, http://www.hdcentre.org/uploads/tx_news/188HumanitarianNegotiation.pdf.

¹⁹ *Ibid.*

²⁰ *Humanitarian Negotiations with Armed Groups: A Manual for Practitioners*, United Nations, 2006, 23, <https://docs.unocha.org/sites/dms/Documents/HumanitarianNegotiationswArmedGroupsManual.pdf>.

²¹ See generally Gerald B. Wetlaufer, "Limits of Integrative Bargaining," *Georgetown Law Journal* 85 (1996): 369-95; and Russell Korobkin, "Against Integrative Bargaining," (paper presented at the

When interests are linked to core assumptions about the world, deeply held values, ideologies, or religiously inspired beliefs, and when these values and beliefs differ across negotiators with different cultural backgrounds, the process of untangling interests from positions can be more difficult.²² In this regard, humanitarian actors negotiating cross-culturally—for example, Western humanitarian aid workers negotiating for access in the context of humanitarian crises in African or Middle Eastern countries—might struggle to succeed in implementing integrative approaches. Furthermore, among the numerous challenges facing the International Committee of the Red Cross (ICRC), some relate to understanding the context and the rationality of counterparts.²³ This fact suggests the difficulties in approaching negotiations from a purely integrative angle. Through relationship building and long-term acceptance strategies, a humanitarian negotiator might be able to cultivate an environment in which integrative strategies can eventually be employed, but from the outset, humanitarian negotiators evidently should not expect the process to unfold in an automatically integrative manner.

III. Basic Human Needs Theory

The theory of basic human needs, pioneered by John Burton in the 1960s, asserts that the repression of certain non-material universal social needs—namely identity, participation, recognition, and security—leads to conflict.²⁴ Basic needs, rather than “differences of observable interests and misperceptions about them,” are the source of deep-rooted conflicts. If these needs are not addressed, Burton argues, conflict cannot be resolved.²⁵ Consequently, this school of thought argues, interest-based negotiation is limited in its ability to identify and resolve basic non-material needs, and hence, in its ability to resolve conflicts. In this sense, just as the integrative approach seeks to delve “below” positions to understand interests, the human needs model seeks to delve even deeper to discern the underlying needs at stake.

This theory has led to the development of interactive conflict resolution as an alternative methodology to respond to conflicts arising from unmet basic needs. For instance, Herbert Kelman integrated John Burton’s human needs theory into social psychology research on intergroup and identity relations to develop problem-solving workshops, which he has used with Israelis and Palestinians since the 1970s.²⁶ The workshops were designed to encourage

Third Annual Center for Interdisciplinary Study of Conflict and Dispute Resolution Distinguished Scholar-in-Residence Lecture, Case Western University, Cleveland, Ohio, October 3, 2007), <http://apps.law.asu.edu/files/!NoTemplate/AALS/Korobbkin.pdf>.

²² Kevin Avruch, “Culture as Context, Culture as Communication: Considerations for Humanitarian Negotiators,” *Harvard Negotiation Law Review* 9 (2004): 391. Also, see generally R. E. Walton and R. B. McKersie, *A Behavioural Theory of Labor Negotiations* (New York: McGraw Hill, 1965).

²³ ICRC Policy Paper, Humanitarian Negotiation Exchange (HNx), International Committee of the Red Cross, 2015, 10.

²⁴ Dennis Sandole, “Extending the Reach of Basic Human Needs: A Comprehensive Theory for the Twenty-first Century,” in *Conflict Resolution and Human Needs: Linking Theory and Practice*, eds. Kevin Avruch and Christopher Mitchell (New York: Routledge, 2013), 23.

²⁵ Ronald J. Fisher, *Interactive Conflict Resolution* (Syracuse, New York: Syracuse University Press, 1997), 31.

²⁶ Eileen F. Babbitt et al., “Combining Empathy with Problem-Solving: The Tamra Model of Facilitation in Israel,” in *Building Peace: Practical Lessons from the Field*, eds. Craig Zelizer and Robert Rubenstein

conflict parties to move beyond incompatible positions and explore the basic needs—such as identity and security—as the true sources of conflict. Since basic needs are not inherently “zero-sum,” this process can facilitate the development of mutually satisfactory solutions.²⁷ In relation to the Israeli-Palestinian conflict, Kelman’s work has been cited as laying the groundwork for the Oslo Accords, though of course his workshops were just one element of a complex political landscape and bear sole responsibility neither for the adoption of the Oslo Accords nor the breakdown of the Oslo process.²⁸

Problem-solving workshops generally assume the form of small group “discussions between unofficial representatives of identity groups or states engaged in destructive conflict that are facilitated by an impartial third party of social scientist-practitioners.”²⁹ These workshops and related smaller, more informal discussions constitute a method for transforming the political process and environment by replacing violent conflict with positive debate in the affected communities.³⁰ This transformative method of communication can help the parties move closer together through cooperative efforts to overcome obstacles to negotiation and can help to bring about a more stable and permanent change in the overarching political environment.³¹

Interactive conflict resolution and problem-solving workshops of this nature are most useful in protracted conflicts, especially when one or both parties perceive their ethnic or national identities to be at risk. These conflicts are often based on a national or community-based perception of polarity that represents more of a psychological barrier than a genuine obstacle to agreement. As long as there is significant support for conflict transformation or resolution in each community, interactive problem-solving workshops offer an alternative and more feasible route to peace. By allowing parties to recognize mutual interests in a low-risk environment, these workshops promote mutual reassurance through communication and gradual relationship building between conflicting parties.³²

How are these concepts relevant to humanitarian negotiation? In cases in which governmental or non-state entities are denying or inhibiting access to beneficiaries, recognition of the government’s or NSAG’s underlying social needs of identity, participation, and security could inform the approach of a humanitarian organization to the negotiation. Assuming approaches and stances that are sensitive to these social needs can be an important mode of facilitating the creation of positive, stable relationships with interlocutors to further the objective of securing a favorable negotiated outcome.

(Sterling, VA: Kumarian Press, 2009), 160. Also, see generally Herbert C. Kelman, “The Development of Interactive Problem Solving: In John Burton’s Footsteps,” *Political Psychology* 36, no. 2 (2015), http://scholar.harvard.edu/files/hckelman/files/development_of_ips_burton_politicalpsychology_2015.pdf.

²⁷ Herbert C. Kelman, “Interactive Problem-Solving: Informal Mediation by the Scholar Practitioner,” in *Studies in International Mediation*, ed. Jacob Bercovitch (New York: Palgrave Macmillan, 2002), 185.

²⁸ See generally Herbert C. Kelman, “Interactive Problem Solving in the Israeli-Palestinian Case: Past Contributions and Present Challenges,” in *Paving the way: Contributions of interactive conflict resolution to peacemaking*, ed. Roger Fisher (Lanham, MA: Lexington Books, 2005).

²⁹ Fisher, *Interactive Conflict Resolution*, 8.

³⁰ Kelman, “Interactive Problem-Solving,” 168.

³¹ *Ibid.*, 169.

³² *Ibid.*, 187.

IV. The Behavioral Approach

In sharp contrast to the integrative model discussed in Section II, the behavioral approach focuses on the personalities, characteristics, and emotions of the individuals engaged in a negotiation.³³ Whereas the integrative model assumes that negotiators are rational actors capable of seeking whatever cooperative outcomes will most maximize their gains, the behavioral approach emphasizes the impact of personal and psychological attributes, as well as tactics and strategies, on the outcomes of negotiations.

One aspect of negotiation on which this literature focuses is the extent to which individual negotiators pursue competitive or cooperative approaches.³⁴ In a competitive approach, the negotiator is rigid, uses deceit and threats as tactics, and conceals information during the negotiation in order to gain or secure advantages.³⁵ In a cooperative approach, the negotiator shares information, seeks creative solutions, is willing to disclose sensitive information, and overall, seeks to cultivate an environment of mutual trust and fairness.³⁶ One could consider that these approaches correlate with the distributive and integrative models of negotiation. If negotiators pursue competitive approaches, the negotiation will assume a more distributive form. In contrast, if negotiators pursue cooperative approaches, the negotiation will more closely approximate the integrative model.

Essentially, though, the behavioral approach considers that the form that the negotiation assumes—integrative versus distributive—depends on the characteristics of the negotiators themselves. Thus, “hard liners” will pursue competitive approaches, while moderates or “soft liners” will seek cooperative avenues.³⁷ In this sense, the very model that the negotiation will approximate—distributive or integrative—is itself open to negotiation and is heavily dependent on the negotiators’ attributes. Indeed, a great deal of existing literature focuses on this link between personality and negotiating style. One classification system situates personality types on a continuum of four particular orientations, as elaborated below:

- Individualistic – Concerned solely about one’s own well-being and outcomes
- Altruistic – Concerned solely about the well-being and outcomes of other parties

³³ For an overview of this approach, see Tanya Alfredson and Azeta Cungu, “Negotiation Theory and Practice: A Review of the Literature,” FAO Learning Programme, January 2008, 20, http://www.fao.org/docs/up/easypol/550/4-5_negotiation_background_paper_179en.pdf. For a related perspective, see generally Daniel Druckman, ed. *Negotiations: Social-Psychological Perspectives* (Beverly Hills: Sage, 1977).

³⁴ David Lax and James Sebenius, *The Manager as Negotiator: Bargaining for Cooperation and Competitive Gain* (New York: Free Press, 1986), 49-62.

³⁵ Gary T. Lowenthal, “A General Theory of Negotiation Process, Strategy, and Behavior,” *University of Kansas Law Review* 31 (1982-1983): 90.

³⁶ *Ibid.* Also see generally Cecilia Albin, “The role of fairness in negotiation,” *Negotiation Journal* 9, no. 3 (1993): 223-44.

³⁷ Alfredson and Cungu, “Negotiation Theory and Practice,” 13-14.

- Cooperative – Concerned with the well-being and outcomes of both parties
- Competitive – Concerned with obtaining an outcome for oneself that is better than that which the opponent gains³⁸

One related aspect of negotiation dynamics is known as the “Negotiator’s Dilemma.”³⁹ The dilemma is that a negotiator who adopts a competitive, or “hard line” stance is more likely than a cooperative or “soft line” negotiator to obtain beneficial outcomes in the negotiated agreement. However, adopting a competitive, “hard liner” stance decreases the likelihood of successfully reaching any agreement, especially if the other party also adopts a competitive stance.⁴⁰ In this sense, a predisposition for either approach—cooperative or competitive—does not guarantee success.

There is one type of scenario, though, that tends to facilitate the adoption of cooperative approaches. Namely, when negotiators have an ongoing relationship that transcends the current negotiation, there tends to be a lower level of contentiousness that defines the competitive orientation. In particular, empirical tests indicate that friends negotiating with one another exhibit a predisposition to seeking outcomes that are equitable.⁴¹ In this sense, the ability to forge a long-term relationship with an interlocutor could prove to be a valuable asset in terms of securing better outcomes for oneself in negotiation, especially if negotiations are likely to recur.

One final important point to mention is the role that emotions play in negotiations. Some analysts caution against letting emotions influence negotiations under the assumption that emotions are a distraction that prevents negotiating parties from addressing the relevant problems directly.⁴² Conversely, however, emotions may be harnessed to the negotiator’s benefit in some situations.⁴³ A distinction is made in literature relevant to this topic between negative and positive emotions. Negative emotions such as anger, resentment, and jealousy can be destructive in a negotiation, since expressing such emotions can diminish trust in a relationship, divert attention from substantial issues, damage a relationship, and provide insight into emotional triggers or weak points that the other party may identify and exploit.⁴⁴

³⁸ Ibid., 14.

³⁹ Mayer, *Dynamics of Conflict Resolution*, 215-18.

⁴⁰ Lax and Sebenius, *The Manager as Negotiator*, 29-45.

⁴¹ W.R. Morgan and J. Sawyer, “Bargaining, Expectations, and the Preference for Equality over Equity,” *Journal of Personality and Social Psychology* 6 (1967): 140.

⁴² See generally Robert S. Adler, Benson Rosen, and Elliot M. Silverstein, “Emotions in Negotiation: How to Manage Fear and Anger,” *Negotiation Journal* 14, no. 2 (1998): 161-79.

⁴³ Roger Fisher and Daniel Shapiro, *Beyond Reason: Using Emotions as You Negotiate* (New York: Penguin, 2005), 3-21. Also, see generally Russell Cropanzano, William J. Becker, and Joel Feldman, “Specific Emotions and Negotiation,” in *The Psychology of Negotiations in the 21st Century Workplace: New Challenges and New Solutions*, eds. Barry Goldman and Debra L. Shapiro (New York: Routledge, 2012), 157-71. Additionally, see Daniel Druckman, “Negotiation,” in *Conflict: From Analysis to Intervention*, eds. Sandra I. Cheldelin, Daniel Druckman, Larissa Fast (New York: Continuum, 2003), 202, which states, “The tougher postures may also include expressions of anger which can actually be quite beneficial if they are directed at the task and convey strongly how a negotiator feels.”

⁴⁴ Fisher and Shapiro, *ibid.*, 5.

Positive emotions such as pride, hope, and happiness, in contrast, can be constructive in a negotiation, since expressing such emotions toward the other party can transform negotiating adversaries into colleagues, facilitate openness to listening and understanding the other side's interests, and enhance the negotiators' relationship with one another by creating a "safety net" that allows disagreement without a real threat of upset to the negotiation process overall.⁴⁵ However, positive emotions could also cloud a negotiator's judgment, potentially motivating strategically unwise concessions.⁴⁶

Relationships, behaviors, and emotions can be particularly important considerations for humanitarian negotiators. Indeed, humanitarian practitioners often operate in contexts where they are viewed with suspicion. Many NSAGs have no inclination to perceive humanitarian practitioners as neutral, impartial, and independent actors, but rather, may view humanitarians as potential spies, profiteers or allies of the state.⁴⁷ These negative perceptions can lead to negotiations that, at least at first, assume a distributive form, with NSAGs adopting competitive approaches. The desired approach for humanitarian negotiators in such scenarios does not appear to be to push back with an equal level of distributive fervor. Rather, the key strategic avenue seems to be to mitigate these negative perceptions, an end that could be served through attention to the human element of negotiation—for example, through the strategic use of positive emotions and relationship building to cultivate trust.

V. The Role of Culture

As noted at the end of Section II, cultural differences between negotiators sometimes function as a barrier to successfully implementing an integrative approach to negotiation. Although scholars disagree about the extent to which cultural difference can constitute a deciding factor in any given negotiation's success or failure,⁴⁸ a great deal of literature focuses on the nature of, and solutions for closing, this "cultural gap" between parties to a negotiation.⁴⁹

⁴⁵ Ibid., 8.

⁴⁶ Ibid., 17.

⁴⁷ For example, see Ashley Jackson, "Negotiating perceptions: Al-Shabaab and Taliban views of aid agencies," Policy Brief 61, Humanitarian Policy Group, August 2014, 2, <http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/9104.pdf>.

⁴⁸ Kevin Avruch, "Type I and type II errors in culturally sensitive conflict resolution practice," *Conflict Resolution Quarterly* 20, no. 3 (2003): 352; Stephen Bochner, ed., *The Mediating Person: Bridges Between Cultures* (Boston: G.K. Hall and Co., 1981), 1; and Zartman, "A Skeptic's View," 17.

⁴⁹ For an overview of frameworks of cultural measurement and understanding, see Kevin Avruch, "Culture," in *Conflict: From Analysis to Intervention*, eds. Sandra I. Cheldelin, Daniel Druckman, and Larissa Fast (New York: Continuum, 2003), 139-51. See also Jeswald W. Salacuse, "Special Barrier No. 2: Culture," in *The Global Negotiator: Making, Managing, and Mending Deals Around the World in the Twenty-first Century* (New York: Palgrave Macmillan, 2003), 89-115; Paul E. Salem, "A Critique of Western Conflict Resolution from a Non-Western Perspective," *Negotiation Journal* 9 (1993): 361-69; Wendi Lyn Adair and Jeanne M. Brett, "Culture and Negotiation Processes," in *The Handbook of Negotiation and Culture*, eds. Michele J. Gelfand et al. (Stanford: Stanford Business Books, 2004), 158-76; Raymond Cohen, *Negotiating Across Cultures*, 2nd ed. (Washington, D.C.: U.S. Institute of Peace, 1997), 9-43 and 215-26; Raymond Cohen "Meaning, Interpretation and International Negotiation," *Global Society* 14, no. 3 (2000): 317-35; Kevin Avruch, "Culture as Context," 391; I. William Zartman, "A Skeptic's View," in *Culture and Negotiation*, ed. G.O. Faure and J.Z. Rubin (Newbury Park: Sage, 1993), 17-21; Ian Macduff, "Your Pace or Mine? Culture, Time, and

Throughout the literature, a major caveat is almost universally mentioned: the definition of culture and the delineation of which characteristics can be ascribed to certain cultures are not only subjective but also often the result of over-simplification.⁵⁰ Perhaps for this very reason, a substantial amount of literature focuses on the different negotiation styles of specific nationalities.⁵¹ In general, scholars have argued that negotiators, when facing an interlocutor from another culture, should, at least, have a solid understanding of how a specific culture will affect the negotiation, and at most, should adapt their negotiation style or approach in order to find common ground. Regarding negotiations in humanitarian settings, one overarching issue is that humanitarian organizations have often devoted limited resources to promoting an understanding of the local culture in the environments in which humanitarians operate, hindering the ability to adopt well-informed, culturally sensitive negotiating approaches.⁵² As humanitarian organizations work toward improving approaches in this area, four key aspects of culture are important to consider. The rest of this section discusses these factors—individualistic versus communal paradigms, negotiating style, concept of time, and religion—which are emphasized in the broader body of negotiation literature.

a. Individualistic versus Communal Paradigms

One major source of cultural tension, as noted by Raymond Cohen, is the difference between individualistic and communal cultural paradigms.⁵³ Individualistic cultures, Cohen writes, “hold freedom, the development of the individual personality, self-expression, and personal enterprise and achievement as supreme values.”⁵⁴ In contrast, a communalistic culture “has the welfare of the group and cooperative endeavor as its guiding themes . . . individual freedom is constrained by duties to family and community.”⁵⁵ In practical terms, for collectivist cultures, all communication, including negotiations, are “high context” in that they are highly

Negotiation,” *Negotiation Journal* 22, no. 1 (2006): 31-45; Robert J. Janosik, “Rethinking the Culture-Negotiation Link,” *Negotiation Journal* 3, no. 4 (1987): 385-95; Stella Ting-Toomey, “Toward a Theory of Conflict and Culture,” in *Communication, Culture, and Organizational Processes*, eds. William B. Gudykunst et al. (Beverly Hills, CA: Sage, 1985), 71-86.

⁵⁰ Zartman, “A Skeptic’s View,” 17-18; Cohen, “International Negotiation,” 120; LeBaron, “Culture-Based Negotiation Styles,” 1; and Stella Ting-Toomey and Atsuko Kurogi, “Facework competence in intercultural conflict: An updated face-negotiation theory,” *International Journal of Intercultural Relations* 22, no. 2 (1988): 216-17 and 219-20.

⁵¹ On China, see generally Richard H. Solomon, “China: Friendship and Obligation in Chinese Negotiating Style,” in *National Negotiation Styles*, ed. Hans Binnendijk (Washington, DC: Diane Publishing, 1987), 1-16; and Paul H. Kreisberg, “China’s Negotiating Behaviour,” in *Chinese Foreign Policy: Theory and Practice*, eds. Thomas W. Robinson and David Shambaugh (New York: Oxford University Press, 1994), 453-78. On Nigeria, see generally Daniel A. Offiong, “Conflict Resolution Among the Ibibio of Nigeria,” *Journal of Anthropological Research* 53, no. 4 (Winter 1997): 423-42. On Arab cultures, see generally Paul E. Salem, “A Critique of Western Conflict Resolution from a Non-Western Perspective,” *Negotiation Journal* 9 (1993): 361-69.

⁵² See Grace, “Humanitarian Negotiation,” 8.

⁵³ Cohen, *Negotiating Across Cultures*, 29. See also Lynn E. Metcalf and Alan Bird, “Integrating the Hofstede dimensions and twelve aspects of negotiating behaviour: A six country comparison,” in *Comparing Culture: Dimensions of Culture in a Comparative Perspective*, eds. Henk Vinken, Joseph Soeters, and Peter Ester (Leiden: Brill, 2004), 251-69.

⁵⁴ Cohen, *ibid.*

⁵⁵ *Ibid.*, 30.

context-sensitive and dependent on the relationships involved, as well as the overall circumstances in which communication occurs. In contrast, communication within individualistic cultures is deemed to be “low context,” or evaluated based on objective criteria, rather than complex and ambiguous circumstantial factors; negotiations are likely to be straightforward and results-based.⁵⁶ Due to these differences, there can be no single universal problem-solving methodology applicable to all negotiations. Instead, success could hinge on a negotiator’s ability to evaluate and anticipate an interlocutor’s culturally rooted behaviors and preferences.⁵⁷

b. Negotiating Style

Culture can also shape one’s negotiating style. While certain cultures stress the importance of a contract, decision, or agreement as the final product of negotiations, other cultures perceive that building a relationship holds greater value.⁵⁸ This difference could explain why the pre-negotiation stage is more important to some cultures, while the deal-making stage is more important to others. Similarly, differences in the formality, attitude, and directness of communication between negotiating parties can be culturally based impediments to negotiation. Cultural attitudes towards formality, time, emotional expression, and risk taking can vary broadly, and it can be important for negotiators to be prepared to show respect for culture by engaging in negotiations in a manner that will be understood and appreciated by the other party. Miscommunication in this regard can delay, or prevent the adoption of, agreements between parties and damage relationships, with long-term ramifications for both sides. Humanitarian negotiators have acknowledged the important connection between culture and negotiating style. For example, one author writes about humanitarian negotiations with the authorities of the Democratic People’s Republic of Korea: “Decisions, once made and communicated, were never retracted, which meant that pushing too hard in negotiations carried a high risk. If a confrontational approach was taken, the Koreans became confrontational as well, refusing to budge, and that was the end of the negotiations.”⁵⁹

Jeswald W. Salacuse discusses four related ways that negotiators can bridge cultural gaps. One option entails showing ties to or appreciation for the other side’s culture (for example, quoting a literary icon treasured by the interlocutor’s culture).⁶⁰ Alternatively, it may be more feasible for one to explain one’s own culture to an interlocutor in an effort to convince the other side to adapt one’s own cultural approach or style. A third option involves a compromise of both cultures in which elements of each culture are brought together to form a blended negotiation style. However, this option requires that both sides in the negotiation have a

⁵⁶ Ibid., 36-37; Kevin Avruch, “Sources,” in *Conflict: From Analysis to Intervention*, eds. Sandra I. Cheldelin, Daniel Druckman, and Larissa Fast (New York: Continuum, 2003), 149-51.

⁵⁷ LeBaron, “Culture-Based Negotiation Styles,” 6.

⁵⁸ Salacuse, “Special Barrier No. 2: Culture,” 96.

⁵⁹ David Morton, “Steep Learning Curves in the DPRK,” in *Humanitarian Diplomacy: Practitioners and Their Craft*, eds. Larry Minear and Hazel Smith (Tokyo: United Nations University, 2007), 207.

⁶⁰ Stephen Weiss, “Opening a Dialogue on Negotiation and Culture: A ‘Believer’ Considers Skeptics’ Views,” in *Negotiation Eclectics: Essays in Memory of Jeffrey Z. Rubin*, ed. Deborah M. Kolb (Cambridge, MA: PON Books, 1999), 77-79.

degree of understanding and flexibility that is not always possible to achieve.⁶¹ Finally, negotiators can create or use an alternative third culture to overcome incompatibilities between the two negotiators' cultures (exemplified by one negotiation in which Chinese and Americans used a French style in negotiations).⁶²

c. Concept of Time

The concept of time has been widely studied as both a reflection of culture and a strong influence on the negotiation process.⁶³ Several key issues are important to consider. First, time affects a negotiations' day-to-day logistics (for example, the need to start or end at a specific time and the rigidity of the overall timeline for the negotiations). Second, the substantive content of the negotiation, and the agreements reached, frequently must be rooted in a culturally specific timeline of events—for example, questions surrounding when a conflict began, or how long remedies should remain active or accessible, can have widely different answers depending on cultural understandings of time. Third, the amount of time spent on certain points within the negotiation process (e.g., pre-negotiation, discussion, contract adoption, and enforcement) can vary according to the parties' "high-context"/"low-context" paradigm.⁶⁴

d. Religion

The role of religion is also integral to how various cultures conduct negotiations. For some, the "continuing ability of ancestors to affect people's lives maintains social control, and makes the need to have formal laws or regulations minimal."⁶⁵ To others, however, this worldview may seem irrational in a setting where "standards of law and religion are different."⁶⁶ In relation to this issue, Ira William Zartman suggests that negotiators ask the question: "Do different groups have different notions about fairness and justice in regard to divisions, exchanges, and creation, which are determined by some external factor?"⁶⁷ Such issues are directly applicable to humanitarian negotiators. Indeed, there has been much discussion within the humanitarian sector about the use of Islamic law as a framework for humanitarian negotiations. The ICRC, for example, has hired Islamic religious scholars and experts to better equip teams operating in predominantly Muslim areas. However, these efforts remain somewhat controversial, especially due to concerns that Islamic principles and those of international humanitarian law

⁶¹ Judee K. Burgoon, Lesa A. Stern, and Leesa Dillman, *Interpersonal Adaptation: Dyadic Interaction Patterns* (New York: Cambridge University Press, 1995), 4-6.

⁶² Salacuse, "Special Barrier No. 2: Culture," 114.

⁶³ LeBaron, "Culture-Based Negotiation Styles," 2.

⁶⁴ Macduff, "Your Pace or Mine?" 40.

⁶⁵ LeBaron, "Culture-Based Negotiation Styles," 6.

⁶⁶ Macduff, "Your Pace or Mine?" 36, quoting P.M. Belbutowski, "Strategic implications of cultures in conflict," *Parameters: US Army War College Quarterly* (Spring 1996): 39-42.

⁶⁷ Zartman, "A Skeptic's View," 21, citing Daniel Druckman, et al., "Cultural differences in bargaining behavior: India, Argentina, and the United States," *The Journal of Conflict Resolution* 20, no. 3 (September 1976): 413-52.

might not be entirely complementary.⁶⁸ Furthermore, members of armed groups (even those rooted in Islamic ideology) may not actually have a firm understanding of Islamic principles, suggesting the limited utility of this approach.⁶⁹

VI. Concluding Observations

The five analytical approaches presented in this briefing note draw on literature that examines negotiations in political, legal, and commercial settings, a body of scholarship that has not yet been married to the growing field of humanitarian negotiation. While this briefing note has offered some preliminary comments on how the insights from this body of literature might inform the furtherance of our understanding of humanitarian negotiations, the intent is that this literature review will serve as a starting point for additional analysis and professional reflection.

In what contexts do humanitarian negotiators find themselves facing negotiators that view bargaining in “zero-sum” terms? In what circumstances have humanitarian negotiators been able to engage in creative problem solving to foster integrative approaches? What factors determine whether humanitarians are able to reach favorable outcomes through negotiations? Is the key factor power dynamics, successful communication about interests, the ability to grapple with fundamental human needs, relationship building skills, or bridging cultural divides? In what ways does the scholarship discussed in this briefing note inform humanitarian negotiation, and in what ways is humanitarian negotiation distinct from these other fields? Questions such as these constitute the next frontier in the study of the practice of humanitarian negotiation. Indeed, as the humanitarian sector grapples with surmounting obstacles to territorial access to beneficiaries, these questions will continue to be of critical importance.

⁶⁸ Heba Aly, “Can Islamic law be an answer for humanitarians?” *Irin News*, April 24, 2014, <http://www.irinnews.org/report/99989/can-islamic-law-be-an-answer-for-humanitarians>.

⁶⁹ *Ibid.*

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About the Advanced Training Program on Humanitarian Action

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