Changing Interlocutors: Mitigating the Impact of Turn-over

(MSF team in Aden's streets. An MSF staff member is speaking with armed men at a check point. Photographer: Guillaume Binet. Copyright: MSF)

Building rapport and establishing a relationship with the counterpart is the basis for a successful negotiation. However, due to a high turnover of humanitarian staff and changing interlocutors on the side of the counterparts, building these vital relationships can be very difficult. In this sub-group, we reflected how we can mitigate the negative impact of turn-over on humanitarian negotiations by improving institutional memory and transferring trust from one negotiator to another.

Members of the sub-group and experts

Full members:

- Alhadi Albaridi, Damascus, Syria
- Jamila Hammami, Muscat, Oman
- Svetlana Kapustian, Damascus, Syria
- Ina'm Shakhatreh, Amman, Jordan
- Mohammad Allaw, Beirut, Lebanon
- Adbohaliem Ahmad, Baghdad, Iraq
- Suzie Jazmati, Aleppo, Syria

Experts:

- Kirk Kinnel, professional negotiator

The views expressed by the contributors to this sub-group and working paper are those of the individuals and do not necessarily reflect the official opinion of CCHN, nor its Strategic Partners or member organisations.

Introduction

As outlined in the CCHN Field Manual (2019: 108), humanitarian negotiation is a relational negotiation, meaning that we **"focus on establishing and maintaining a relationship with the counterpart that will last over time through the conclusion of a series of agreements. The agreed commitments between the parties are essentially a mean to develop and further their relationship. The cost and benefit of these agreements are evaluated over time, rendering a value to the social connection and coexistence among the parties as the main outcome of the negotiation process. Relational negotiations also imply a sense of dependency of the parties on each other, increasing the need to socialize and connect in the planning phase of the negotiation to mitigate the risk of failure."** Against this backdrop, high turnover of humanitarian workers, especially mobile staff, is a liability for humanitarian organisations because the quality of the negotiation relies on the ability of the negotiator to build a relationship of trust with the counterpart. Oftentimes, a lack of reporting and hand-over makes this situation even more challenging. While local staff may be able to mitigate some of these risks by bringing continuation to the relationship between the counterpart and the institution, in certain contexts, this role can be extremely challenging for local colleagues, with the potential for negative security implications. To further complicate matters, often the counterparts of frontline negotiators also change regularly. In discussion with practitioners, we found that there are several reasons for the high turnover on the side of the counterparts: some said that, especially among Non-State-Armed-Groups (NSAGs) that are not well established yet, they found a high turnover because counterparts get promoted as quickly as they fall into disgrace and are fired. In the latter case, the relationships established might even jeopardize the negotiation further. Similar observations have been made with well-established autocratic authorities. Other practitioners experienced turnover on the side of the counterpart, caused by a changing environment. In the beginning of the Covid-19 pandemic, for instance, practitioners suddenly found themselves negotiating access with the Ministry of Health rather than the Security Forces. Others mentioned that counterparts have changed when there was a shift in control of territories. An example mentioned in this regard was in the Syrian context, where hundreds of different NSAGs took control over certain areas over the past decade. Others observed that exchanging interlocutors of humanitarian actors was a tactic by the counterpart to keep "humanitarian actors under control".

This reality of an in-flux environment renders humanitarian negotiations even more difficult. Humanitarian practitioners pointed out that a change of interlocutor on either side usually resulted in a dip in the relationship between the two parties. In this sub-group, we reflected how we can mitigate this negative impact of turnover on humanitarian negotiations by transferring trust from one negotiator to another and working in negotiation teams, better understanding the position of the counterpart within the larger organization and negotiation patterns on the side of the counterpart, and improving institutional memory. The reflections we present in this chapter are inspired by the experiences of the members of this sub-group, a "Listening Tour" with 30 humanitarian staff working in Yemen carried out between February and April 2021, interviews with 10 humanitarian interpreters, discussions with 64 humanitarian interpreters, and an open discussion with a hostage negotiator and 35 humanitarian practitioners on the topic "Changing Interlocutors – what can we learn from hostage negotiators?" The template was peer reviewed by 15 practitioners in May 2021.

We will first share our lessons learned on how we can work in negotiation teams and transfer trust from one negotiator to another. We will then propose a simple template to analyse and document negotiations and the negotiation patterns of our counterparts and their organization.

Working in negotiation teams and transferring trust

In February 2021, we held an open discussion with humanitarian practitioners and Kirk Kinnel, a professional hostage negotiator, on what lessons humanitarian practitioners can learn from hostage negotiation. In this paragraph, we present the key points that we agreed are most applicable to the humanitarian context.

Introducing negotiation teams – debriefing – reporting

Working in negotiation teams can help mitigate turnover because it is possible to maintain a certain level of continuity for the counterpart when some team members change. Therefore, negotiation teams should be introduced early in the negotiation and relationship building process. Also, working in teams reduces the pressure on one individual as the outcome of a negotiation is a shared responsibility. Debriefings in the negotiation team are extremely important toward analysis of the progress of the negotiation and the patterns in the behaviour of the counterpart. It is often useful to write a detailed report about the meeting immediately afterward; writing helps the negotiator to capture details that might be forgotten otherwise.

Burrowing trust from a predecessor

If the lead negotiator changes, it is best if someone in the negotiation team takes over. If this is not possible, the new negotiator needs to build rapport as quickly as possible. Ideally, when taking over a negotiation from a predecessor, a briefing is held. If that is not possible, there should be detailed reports (giving an update on the situation, negotiation tactics that have been employed, the position and demands of the counterpart, what went wrong, and recommendations on how to handle the negotiation in the future) that can be used to "pick up where the predecessor has left off" and give the counterpart a sense of continuity.

During the first meeting with a counterpart, it is recommended that the incoming negotiator starts with a summary of his/her understanding about what has been discussed previously and lets it be complemented and validated by the counterpart. This means to validate the two positions, common objectives, and past disagreements, listen to the counterpart, and see if anything has changed so that the **negotiation starts off on a common ground**.

In these kinds of situations, it is important to build trust in a matter of hours. Therefore, the negotiator should listen carefully to understand the counterpart's emotions, beliefs, and stories. Often, the counterpart feels a connection if he/she feels heard. If the predecessor had a good relationship with the counterpart, it is important to **establish an element of certainty to borrow the trust from the predecessor**.

This can be done by repeating what you know about the previous discussion with the counterpart and continuing the established patterns and routines. Reassurance and repetition are very important in this moment. Apart from establishing patterns in the professional relationship, it is also important to understand which points the predecessor and the counterpart connected on. The objective is not to try to replace the connection the counterpart had with the predecessor, but to build on it by saying, for instance, "I know that XYZ always told you the truth. I will also make sure to always tell you the truth."

> For instance, if you know that your predecessor always called the counterpart on Wednesday at 6 PM, you repeat that to your counterpart to borrow that trust by saying: "I know that XYZ always called you 6 PM on Wednesday; I will always call you every Wednesday at the same time. This gives the counterpart a feeling that he/she can rely on you as you establish the same pattern that he/she is used to. Of course, there is a dip in the relationship when the lead negotiator changes but by borrowing the trust from the predecessor this can usually be overcome quickly.

Kirk Kinnel: Professional Hostage Negotiator

Mitigating turnover on the side of the counterpart

Intentional or unintentional exchanges of interlocutors on the side of the counterpart can be approached in a similar way to changes on the side of the humanitarian negotiator. The objective is to start on a common ground. In that case, it is recommended that the humanitarian negotiator starts the conversation by affirming his/her understanding of what has been discussed and previously agreed. Once both sides are on the same page about what has been agreed, the discussion can continue to the things upon which they don't agree. This should be approached carefully and can be introduced by saying, for example, “I am glad that we agree on many points already, and I see that the following points still need to be discussed between us…” It is important that the humanitarian negotiator recognizes that it is not easy for the counterpart to take over in the middle of a negotiation either, and often he/she did probably not receive a proper briefing from his/her own organization. This is an opportunity for the humanitarian negotiator to help him/her to understand where the conversation left off. This part needs to be thoroughly prepared with dates, names, and places. By stating the points of disagreement, you will show the counterpart that he/she can trust you. Together, these strategies will establish a sense of certainty for the counterpart that they often do not receive from their own organization and may appreciate from the humanitarian negotiator.

Analysing and documenting the relationship with the counterpart, the organization of the counterpart, and the dynamic between the counterpart and the humanitarian negotiation team

As outlined above, in order to transfer trust from one negotiator to another, we need to be able to establish certainty for the counterpart and build on the patterns and routines established between our predecessor and the counterpart.

This can only be achieved if the previous negotiations, information about the counterpart and his/her organization, patterns, triggers, and the strategy of the humanitarian negotiation team is available and thoroughly documented. Therefore, in this sub-group, we developed a template that can be used by humanitarian negotiation teams to capture this information.

The template can be used as a reporting tool**, but its real value lies in being used as an analytical tool that helps to evaluate and document negotiations over time to see the developments of the relationship with a counterpart or the counterpart’s organization and can eventually serve as a hand-over document when the lead negotiator is replaced.** The template is extremely detailed and can be customized to the needs of the team. For more complex and long-term negotiations, the team might decide to use the full template. For less complex and shorter-term negotiations the team might choose a lighter version that serves more as a report rather than analytical tool. Finally, the idea is to keep this as a living document that can updated regularly, rather than being filled in at the end of a mission.

Negotiation position paper: Template and instructions

<table>
<tr><th colspan="2">Negotiator Position Paper No.
Intermediate/ Handover Report</th></tr>
<tr><td>Template</td><td>Instructions</td></tr>
<tr><td>Negotiation Position Paper No: Date:
Previous Reports:
Relevant Minutes of Meetings:</td><td>Indicate the number of the position paper and reference previous reports and minutes of meetings.</td></tr>
<tr><td>Humanitarian Negotiation Team

Lead Negotiator: Name and Position
Profile (gender, nationality, network, language skills, specific negotiation skills)
Interpreter: Name and Position
Profile (gender, nationality, interpretation skills, network)
Other Team Members: Name and Position
Profile (gender, nationality, language skills, network, specific negotiation skills)
Decision Maker/Mandator: Name and Position
Profile (gender, nationality, interpretation skills, network) and objective</td><td>Humanitarian Negotiation Team

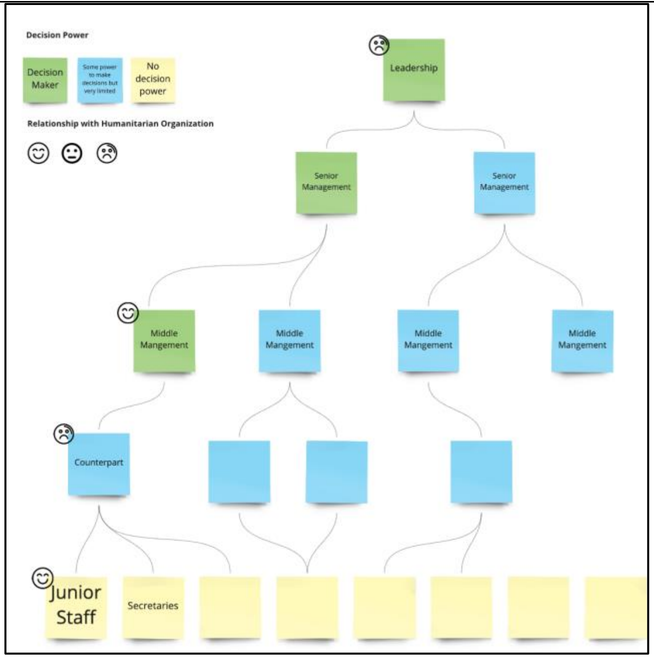
Introduce the negotiation team with names and positions.
Add a short profile for every member of the negotiation team, indicating the gender, nationality, network, language skills, negotiation skills, etc., specifying why they were chosen for the position and if they are the right choice or not and why.
Add a short profile about the decision maker/mandator, specifying his/her objective.</td></tr>
<tr><td>Background/ Context

Overview of Political/Humanitarian Situation</td><td>Background/ Context

Overview of Political/Humanitarian Situation
Provide a short overview of the political/humanitarian situation.</td></tr>
</table>

	Refer to any analytical documents about the context that may be available in your organization or useful links that provide background information.
What is the negotiation about?/What is the context of the negotiation?	**What is the negotiation about?/What is the context of the negotiation?** Explain the context and history of the negotiation. Refer to any previous reports, minutes, or documentation. If you worked on an "Island of Agreement" (CCHN Field Manual 2019: 64-85), add it here.
What is our position? • What is our position? • What is our ideal outcome? • What is our bottom line? • What is our red line?	**What is our position?** Explain your position. If you worked on your organization's "Iceberg" (CCHN Field Manual 2019: 220-230), add it here. Explain your ideal outcome, as well as the red and bottom lines you identified. If you worked on "Designing Scenarios" (CCHN Field Manual 2019: 277-313), add it here.

The Organization of the Counterpart **Background about the organization of the counterpart** **How is the organization you are negotiating with structured/organized? /Where is your negotiation counterpart located in the organization (organizational chart)?**	**The Organization of the Counterpart** **Background about the organization of the counterpart** Refer to any analytical documents about the organization of the counterpart that may be available in your organization or useful links that provide background information. **How is the organization you are negotiating with structured/organized? /Where is your counterpart located in the organization (organizational chart)?** Write a descriptive paragraph and add an organizational chart of the organization of the counterpart. Indicate where your counterpart is located within the organization (don't forget the people below him/her!). Colour code their decision-making power (green = strong, blue = medium, yellow = none) and indicate their relationship with or perception of your organization (LL = very bad, L = bad, :-/ = neutral, J = good, JJ = very good). Example (usually filled with names):

Who else in the organization do you need to mobilise to influence the counterpart? Or who else in the organization should you be speaking with?	 **Who else in the organization do you need to/can you mobilise to influence the counterpart? Or who else in the organization should you be speaking with?** The organizational chart is important, portraying the organization as the counterpart would like to it to be. It also helps the negotiation team to understand the counterpart's position within the organization and who else a relationship should/could be established with to mitigate turnover on the side of the counterpart. To complement this analysis, the CCHN "Network Mapping" (CCHN Field Manual, 2019: 250-27) can be added here.
What is the negotiation strategy of the organization of your counterpart/ are there patterns in their behaviour? What triggers a certain pattern or behaviour?	**What is the negotiation strategy of the organization of your counterpart/ are there patterns in their behaviour? What triggers a certain pattern or behaviour?** Explain how the organization of the counterpart reacts to your negotiation strategy. For example, do they intentionally change your

Triggers					
Response					

What are the positions, motives, and values of the counterpart's organization?

- Position: what they request/claim
- Motives: what is their reasoning to come to their position?
- Values: what underlying values inspire the reasoning and position?

negotiation partner? If so, when and why? Do they appear chaotic/ unclear as to who makes decisions, and is this intentional? Why? etc.
Add a simple response/trigger chart to document patterns in the organisations' behaviour over time. List all the triggers you have identified so far on the x-axis and the responses you have identified so far on the y-axis. Indicate the dates that a certain trigger caused a certain response.

Example:

Triggers			
Changed lead negotiator		3 April	
Established positive relationship	19 January, 8 June		
Brought in medical doctor			15 April, 3 June
Response	Counterpart exchanged	Not willing to meet	More open to talk

What are the positions, motives ,and values of the counterpart's organization?

Write a descriptive paragraph analysing the position, values and motives of the counterpart's organization

- Position: what they request/claim
- Motives: what is their reasoning to come to their position?
- Values: what underlying values inspire the reasoning and position? What need do they have to satisfy?

What is the power balance in the negotiation?

	Favourable for us	Neutral	Unfavourable for us

If you worked on the counterpart's "Iceberg" (CCHN Field Manual 2019: 277-199-218), add it here.

What is the power balance in the negotiation?

Write a descriptive paragraph and add a simple power balance chart.
List all points that may give one side a power advantage on the left and indicate if it plays in your favour or the counterpart's favour.
Add future changes in the next report in red.
This will help you understand how the negotiation is developing over time.

Example:

	Favourable for us	Neutral	Unfavourable for us
Time			x
Expertise	x		
Authority			x
Budget	x		

The Negotiation Counterpart

What are the positions, motives, and values of the counterpart? Are they different from the organization of the counterpart?

- Position: what they request/claim
- Motives: what is their reasoning to come to their position?
- Values: what underlying values inspire the reasoning and position?

The Negotiation Counterpart

What are the positions, motives and values of the counterpart? Are they different from the organization of the counterpart?

Write a descriptive paragraph analysing the position, values, and motives of the counterpart's organization

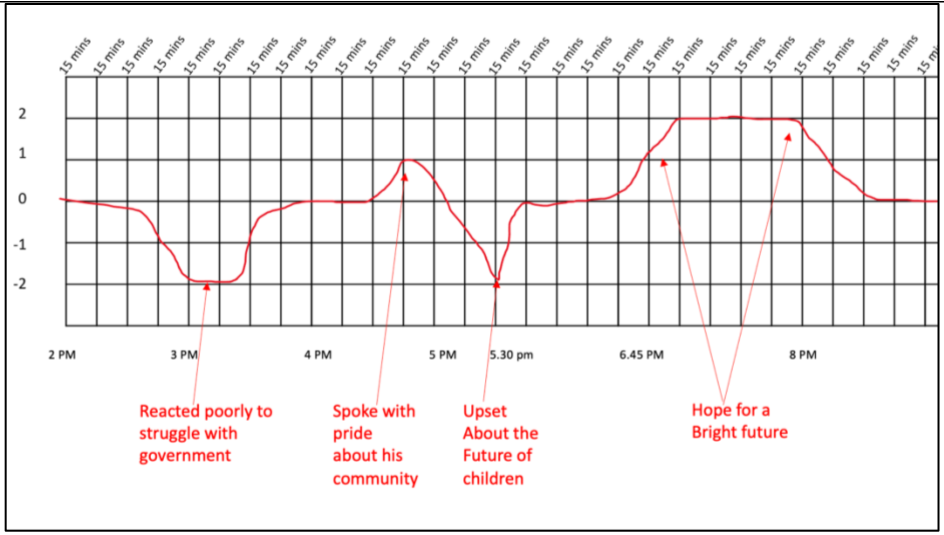
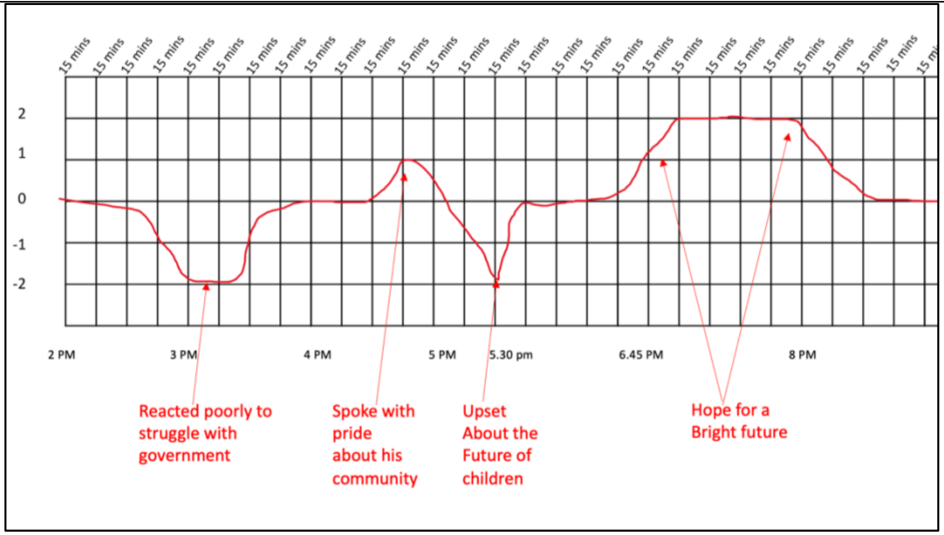
- Position: what they request/claim
- Motives: what is their reasoning to come to their position?
- Values: what underlying values inspire the reasoning and position? What need do they have to satisfy?

If you worked on the counterpart's "Iceberg" (CCHN Field Manual 2019: 277-199-218), add it here.

What are the red and bottom lines of the counterpart? **Who can influence the counterpart outside the organization?** **What is the negotiation strategy of your counterpart/are there patterns in their behaviour? What triggers a certain pattern or behaviour?** *Trigger/response chart*	**What are the red and bottom lines of the counterpart?** Explain the red-and bottom lines you identified for your counterpart. If you worked on "Designing Scenarios" (CCHN Field Manual 2019: 277-313), add it here. **Who can influence the counterpart outside the organization?** Explain what other actors can be leveraged to influence the counterpart from outside the organization. To complement this analysis, the CCHN "Network Mapping" (CCHN Field Manual, 2019: 250-27) can be added here. **What is the negotiation strategy of your counterpart/are there patterns in their behaviour? What triggers a certain pattern or behaviour?** After analysing the triggers/ response of the organization of the counterpart, use another table to analyse the triggers/responses of the counterpart. This analysis can be refined with a mood chart to how the mood of the counterpart changes during the negotiation or over time and several negotiations. Identify a matrix, e.g. 2 = very good mood, 1 = good mood, 0 = neutral mood, -1 = bad mood, -2 = very bad mood Document the mood changes during the course of a negotiation over time, or even over several negotiations. *Example:*

Triggers					
Response					

Mood Chart
The mood chart is best designed in excel based on this example:

<table>
<tr>
<td>
</td>
<td>
</td>
</tr>
<tr>
<td>Threat Assessment of the Compromises

What is the impact of the counterpart’s request on our organization/ team (reputational/operational/security)</td>
<td>Threat Assessment of the Compromises

What is the impact of the counterpart’s request on our organization/ team (reputational/operational/security)

Explain the positive and negative impact that granting the counterpart his/her request would have on our operations/security and organization. If it is a high stakes negotiation, add and apply the “Access – Principles – Do No Harm” Framework presented in chapter 2.</td>
</tr>
<tr>
<td>IHL/ Mandate/ Principles

Under which legal/institutional framework are you operating?</td>
<td>IHL/ Mandate/ Principles

Under which legal/institutional framework are you operating?
Explain the mandate, mission and legal framework that justifies your position. Consider, for example, humanitarian principles, International Humanitarian Law, International Standards, etc.</td>
</tr>
<tr>
<td>Tactical Negotiation Options</td>
<td>Tactical Negotiation Options</td>
</tr>
</table>

What is the negotiation tactic that has been employed? Have they been successful, and why or why not? **What tactics have been considered but abandoned? Why?**	**What is the negotiation tactic that has been employed? Have they been successful, and why or why not?** Explain what tactics you have employed during the negotiation. For example, show flexibility, take a strong position, etc. **What tactics have been considered but abandoned? Why?** Explain any reflections you have had about employing certain tactics that you have abandoned and explain why.
Organization's Negotiation Team **What are the sources of legitimacy of each team member? How do the team members complement each other?** **What are the liabilities and how can the legitimacy of the lead negotiator and the negotiation team be improved?** **What is the negotiation style of the lead negotiator? Is it successful, why or why not?** **Did the negotiator manage to establish rapport/ trust with the counterpart? Why or why not? How does he/she connect with the counterpart?**	**Organization's Negotiation Team** **What are the sources of legitimacy of each team member? How do the team members complement each other?** Write a descriptive paragraph for each team member. If you worked on the "Legitimacy Tool" (CCHN Field Manual 2019: 90-106), add it here. **What are the liabilities and how can the legitimacy of the lead negotiator and the negotiation team be improved?** Identify the liabilities in the sources of legitimacy and how they have been or could be mitigated. **What is the negotiation style of the lead negotiator? Is it successful, and why or why not?** Explain the negotiation style that the negotiator employs and reflect whether it has been successful. For example, the negotiator starts very conversation with chit chat which is well received. He never raises his voice against the counterpart which was more successful than raising the voice. **Did the negotiator manage to establish rapport/trust with the counterpart? Why or why not? How does he/she connect with the counterpart?**

      What patterns/ routine has been established with the counterpart. Have they been successful? **Should the negotiation team remain the same? Should it be exchanged? Why (and with whom?) or why not?**	Reflect about the personality of the lead negotiator and how it was received by the counterpart. Note all the details that helped in establishing a rapport. For example, talking about football may be helpful to connect or not at all, etc. **What patterns/ routine has been established with the counterpart? Have they been successful?** Detail the routines that have been established and worked well. For example, have you called/met him in certain intervals, during certain times that have been more favourable than others. Have you always provided him with a summary about the discussion at the end, etc.. **Should the negotiation team remain the same? Should it be exchanged? Why (and with whom?) or why not?** Based on your analysis of the legitimacy of the negotiator team, explain why it should remain in place or why it should be exchanged. If it should be exchanged, explain and who should replace the current negotiator team.
Recommended Negotiator Plan **Recommendation about position and the red lines of the organization** **Recommendation about choice of negotiator and negotiation team** **Recommendation about tactical plan and negotiation style employed**	**Recommended Negotiator Plan** Write a paragraph with your recommendations about the way forward with the negotiation and the counterpart. Provide your recommendations about how the position and red lines of the organisations should develop, the choice of the negotiation team, the tactical plan, and the negotiation style employed.
Recommendation for Further Research	**Recommendation for Further Research**

	If there is any further research that needs to be conducted to change the power balance in the negotiation, outline it here.
Author/Position: Date: Time:	**Author/Position: Date: Time:**

Conclusion

High turnover makes humanitarian negotiations vulnerable. Passing on knowledge about the negotiation and the counterpart between team members and lead negotiators appears to be the only way to guarantee continuation in a negotiation process. Many humanitarian colleagues confirmed that taking over a new position often means to start the relationship building process with a counterpart and sometimes take up negotiations all over again, which is not only time intensive but frustrating for both sides. However, despite acknowledging the time lost in the process and the value of having detailed information about past negotiations and the counterpart, when we presented the proposed template to humanitarian practitioners in the framework of a peer review, the feedback was that having such detailed information is exactly what is needed but also that "in the field, you don't have time to write such lengthy reports." Therefore, we suggest using the proposed template like a puzzle, that each organization and negotiator can tailor to their needs.

However, we would strongly advocate that information is recorded in detail; on many occasions, having detailed information saves a lot of time during a negotiation and gives both the organization and the negotiator credibility in the eyes of the counterpart.

In the sub-group, we also reflected on the role of resident colleagues in bringing continuity to the relationship with the counterpart and sustainability to humanitarian negotiations. As mentioned above, the sub-group does recognize the vital role that local staff play in this regard but insists that security considerations have to be kept in mind when local staff and/or local interpreters are asked to manage the relationship with the counterpart, added to the negotiation team, or asked to lead the negotiation. We heard from many local colleagues that such relationships can be dangerous to them and their families. Some reported being threatened by the counterparts in local languages during the negotiation; others said that they were extremely concerned that the counterpart may believe that their position represents their own and not the organization's opinion. Also, local staff pointed out that even if they manage the relationship with counterparts on a day-to-day basis, it is still key that mobile staff make the effort to read up on past negotiations and counterparts, because unprepared mobile staff can cause awkward and uncomfortable situations with the counterparts and undermine their position. Unfortunately, we only had the chance to touch upon the topic of the role of local staff in mitigating the impact of turnover. More research and discussions on this topic are needed, particularly after mobile staff evacuations amid Covid-19 "forced" resident colleagues to suddenly take on leading roles in negotiations .

References and further reading

CCHN. (2019). CCHN field manual on frontline humanitarian negotiation. V2.0. Geneva: Centre of Competence on Humanitarian Negotiation (CCHN). https://frontline-negotiations.org/wp-content/uploads/2021/02/CCHN-Field-Manual-on-Frontline-Humanitarian-Negotiation.pdf