

# Journal for Global Negotiation



**Institute for  
Global Negotiation**

NOVEMBER 2024 VOL 1 NO 1  
[global-negotiation.org](http://global-negotiation.org)

# **Journal for Global Negotiation**

**Volume 1, Number 1**

Published by  
Institute for Global Negotiation

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Journal for Global Negotiation 1/2024

[journalglobalnegotiation.org](http://journalglobalnegotiation.org)

ISSN 3042-5913 (online)

Institute for Global Negotiation

[global-negotiation.org](http://global-negotiation.org)

Cover Design: Moritz Scherrenbacher

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*In Memory of Tobias W. Langenegger*





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## Editorial

Working on this Journal the last year, regularly reminded me of my namesake's tale *Frederick the Mouse*, by Leo Lionni. While his fellow mice tirelessly gather food for the winter, Frederick instead collects sun rays, colours, and words, much to the displeasure of the other hard-working mice. However, when the cold, dark days arrive and the food dwindles, it is Frederick's gathered treasures that warm their spirits and feed their minds. And just like Frederick did, we have been collecting stories, insights, and experiences to share with you in the chilling winds of uncertain times.

The journey to this moment has been exhilarating. Although starting a new project with a young and dynamic team spread across Europe bore its own challenges, coordinating time zones, balancing diverse perspectives, and weaving together various skills appeared increasingly mundane compared to the dedication and solidarity the team members have exhibited throughout. What began as a mere idea only became reality because the Editorial Team and the Board of Editors believed in the vision. Their commitment ultimately turned an abstract concept into the concrete Journal you now read.

At the heart of the Journal's mission is the understanding of negotiation as a broad and nuanced concept. Negotiation is not confined to boardrooms or diplomatic conferences; it permeates many and often the most acute aspects of our lives. By embracing this expansive view, we have gathered compelling stories from a variety of perspectives, each illuminating different facets of the negotiation process.

Our aim is to create a global platform where stories and knowledge about negotiations can be freely exchanged. Thanks to the support of the HBZ Open Publishing Environment (HOPE) at the Central Library of the University of Zurich, we are particularly proud to offer the Journal for Global Negotiation as a platinum open-access publication. This means that all content is freely available to both authors and readers – no fees attached. We are committed to contribute to the free body of knowledge and provide a platform where everyone has the opportunity to share their experiences and insights. To support this, we offer comprehensive assistance in language, style, and design for submitted manuscripts, helping authors realize the full potential of their work.

Creating this space for global exchange on negotiation appears just in time for the boreal whisper some might already feel. In a world characterized by complexity and interdependence, we tend to forget to take the time and listen to the stories and experiences surrounding us. By combining diverse voices, we hope to create harmonies between theory and practice – crafting an experience that is both informative and relatable.

I would like to extend heartfelt thanks to those who helped bring this Journal to life. First and foremost, to our dedicated Board of Editors: Elayne Whyte, Jack R. Williams, Jean-Jacques Subrenat, Monique Carels, Primitivo III Cabanes Ragan-dang and Stefanie Walter. Your invaluable guidance, insightful feedback, and unwavering patience have been instrumental in bringing this project to life.

A special acknowledgement goes to Moritz Scherrenbacher for crafting our distinctive cover and logo design and Studio Kickdown for their graphic support.

As we look ahead, we see a future filled with possibilities – a future where connections are forged through shared stories and collective experiences. We invite you, to join us on this journey. Whether you are a scholar, a practitioner, or simply someone passionate about negotiation, your stories and experiences are the foundation to warm the spirits and feed the minds in times of frosty winds.

Welcome to the Journal for Global Negotiation.

***Sincerely your Editorial Team***

*Frederik Nuehnen*

*Filippo Martini*

*Francesco Cruz Torres*

*Julia Gubler*

# Practitioner Interview with Yvette Stevens



## **Amb. Yvette Stevens**

Executive in Residence at the Geneva Center for Security Policy and Former Ambassador of Sierra Leone to the U.N. in Geneva.

## **Biography**

We are honoured to welcome Ambassador Yvette Stevens, an engineering professor who transitioned into a distinguished diplomatic career, successfully negotiating issues of global concern. After earning degrees from the Moscow Power Engineering Institute and Imperial College London, she taught engineering at the University of Sierra Leone for six years. In 1980 Ambassador Stevens brought her analytical rigor to the UNHCR, evaluating refugee situations in over 30 countries

and leading technical support initiatives. Her leadership roles in Africa – as Deputy Liaison Representative in Ethiopia and UNHCR Representative to Kenya and Somalia – placed her at the forefront of complex humanitarian crises. Exhibiting her negotiation skill and strategic thinking as United Nations Humanitarian Coordinator for Somalia.

Returning to Sierra Leone, she served as an Energy Policy Advisor before becoming the nation's Permanent Representative in Geneva. There, she championed human rights issues like Child and Forced Marriage and advocated for trade assistance to Least Developed Countries (LDC). As a Geneva Gender Champion, she underscored her dedication to dignity and equality.

Now an Executive-in-Residence with the Global Fellowship Initiative of the GCSP, Ambassador Stevens shares invaluable insights drawn from her unique experience on both sides of international negotiations.

*Interview conducted on 27th of October 2024 by Jean-Jacques Subrenat, [IGN Distinguished Fellow & IGN Publication Board member](#), with Frederik Nuehnen, [IGN Publications Coordinator](#).*

**Jean-Jacques Subrenat (JJS):** Before we start, could you say a few words about your current activity?

**Yvette Stevens (YS):** After retiring from the U.N., I went back home to Sierra Leone as the Government's Energy Policy Advisor, after which I was appointed as Ambassador to the U.N. here in Geneva, a position from which I retired in 2018. I was then asked by the President of the Human Rights Council to lead a study on how that Council itself could enhance its role in the prevention of Human Rights violations. I spent one year on that task and reported back to the Human Rights Council, just one day before the COVID lockdown was enforced in March 2020. Since then, I have been Executive in Residence at the Geneva Centre for Security Policy (GCSP). This offers me the opportunity to pull my experience together, be it in lecturing in some of the courses they run, or moderating discussions, or giving presentations. For a retiree, this is a very convenient setup, as it allows one to transmit one's professional experience while I also continue learning. This is the important thing in life: to embrace that the opportunities for learning never end. The GCSP deals with many issues related to security, disarmament, sustainability. So, I can participate in my own time and contribute what I have to offer in those discussions.

**JJS:** And before joining GCSP, you were deeply involved in Human Rights Council Resolution 38-18.

**YS:** Yes indeed, the Human Rights Council serves as a major reference for anyone preoccupied with human rights violations and how to avoid or diminish such violations.

**JJS:** We would like to hear about your experience as a practitioner in negotiations, as this might be of special

interest to IGN Members. Could you speak about instances when this was the case?

**YS:** Yes. One reason why I am happy to give this interview is that, all too often in multilateral negotiations, people believe that each state involved has an equal voice in those negotiations. What I want to bring out is the role of small countries in these huge negotiations, where you have all these large powers negotiating, and you as a small country must make your voice heard and your interests reflected in the results of the negotiations. So, I would like to speak on behalf of a small state in these mighty negotiations on the international scene.

Let me mention a first example, which I feel could be a model for negotiations: this was not about human rights, but rather in the framework of the World Trade Organization (WTO), during the negotiation of the Trade Facilitation Agreement (TFA). I was involved in this sequence shortly after my appointment as an ambassador. As you know, the WTO deals with the global rules of trade. And this Trade Facilitation Agreement was aimed at expediting the movement of goods, their release and clearance, including goods in transit, and also customs cooperation. One must remember that under WTO rules, its members are bound by such agreements. But in reality, the situation brought to light some important problems, for instance the requirement for all countries, including the smaller ones like my own, also known as Least Developed Countries (LDCs), to implement all of the agreed procedures.

At the time, in 2013, out of the 159 member states of the WTO, there were 34 LDCs, including Sierra Leone. Because of the predictable difficulties LDCs would encounter in implement-

ing new rules, they formed a separate group in preparation for the negotiation to make sure that they would not be bound by obligations they could not adhere to, nor implement. So, we came to the discussions with a message: we agree with the purpose and overall plan of the agreement, but there is a clear need to apply a special and differential treatment in order to allow LDCs to actually meet the commitments that these agreements are going to entail. And as a result, the TFA has two sections. The first section deals with all the steps needed to facilitate the worldwide movement of goods. The second section was initially meant for LDCs and developing countries. But this is the important innovation: the second section allowed LDCs to actually enumerate and classify the various actions within the agreement that would realistically require temporary concessions, in light of their real situation. As a result of our coordinated approach, under the agreement, the commitments were set out in three categories, each country remaining free to determine their own status. Category A contained the commitments which could be implemented without delay. Category B referred to actions which required a transition period of, say, 3 to 5 years in order to bring infrastructure and personnel up to speed. And Category C included a provision that, while agreeing to the overall purpose of the Agreement, it could only be implemented with international technical assistance aimed at developing the required capacities.

As I said, this discussion went on during all of 2013. We spent many nights discussing this, but as part of the LDC group, we were determined not to let anything go, because the problem with small countries is that even if they're theoretically involved in a negotiation, they're not always physically present in each and every

meeting, due to the limited numbers in their negotiating teams. Indeed, when you're not there, the negotiation goes on, and you can't say, "by the way, I was not present"; you just have to be there! So as a group we made sure we were there and that we spent all the time required, and meetings sometimes ended at seven o'clock in the morning. We sat there all night to make sure that our requirements were not only introduced but accepted by the other member states.

Of course, there was a lot of intermediary negotiation going on as well: in the U.N. system, whereas LDCs are a recognised category, "developing countries" is quite a vague notion. At the time, when China or India claimed to be developing countries, other member states, e.g., the United States, took issue with their using that label. For the LDCs, including my country, in the end we managed to have Section Two within the agreement itself, which affords us the necessary time to implement the provisions of the agreement. Now it's my conviction that the TFA should be used as a model, even beyond trade issues. From my experience coming from a small country, such negotiations go on for a long time and require a constant presence. I was there alone, with negotiations going on in all the different bodies of the U.N. I could not attend all of them personally, and I didn't have staff for that. It often happens that, by the time you come to the negotiations, you find out that it's gone way beyond where you could have made a point you thought was important. So basically, yes, I believe that the TFA could serve as an example because within the negotiations, provision was made for the LDC group to arrive at a consensus and come to the main negotiation with their coordinated positions, which was then delivered by a spokesperson for the group.

**JJS:** How would you characterise the overall positions of the main parties in the TFA negotiations?

**YS:** Well, the developed countries had the required facilities, e.g. customs facilities, transport and other infrastructure, everything was in place. And so, for them, it was just taking the necessary steps to make sure that facilitation was effectively carried out. But our countries lacked those infrastructures. For instance, for goods crossing the borders of our country, we cannot simply identify a problem and apply the necessary measures. To begin with, we lacked the regulations in place, as well as the physical facilities to enforce them. So, viewed from the developed countries' point of view, the agreement was only to make sure that they did what they had the capacity to do. Whereas for us, once we agree that trade should be facilitated, and a lot of trade goes on within Africa itself, the problem was that we could not immediately implement the provisions of this particular agreement because we did not have the legal, regulatory or structures, to carry out those commitments. This was the biggest difference.

**JJS:** So, in fact, in the TFA negotiations it was less a confrontation between ideologies than a question about capacity. If various groups agreed on some principles, it came down mainly to a question of possessing the means to implement.

**YS:** Yes, the main challenge for us was implementation, and a lot had to do with the facilitation process. For instance, regarding customs facilities at the borders of an LDC, the assumption was that these should be functioning. The truth was that in many of our countries, they were not functioning at all. When taking goods across the border, there were all sorts of loopholes, which aided corruption and

other malpractices. For obvious reasons, the Facilitation Agreement was important for us, for our government. But sometimes it was not viewed in that light. It wasn't always understood by some of our core partners in the negotiation process. I did find one point interesting: on the part of wealthier countries, there was an expectation that, even as an LDC, and because you are a member of the WTO, you simply must be prepared to do what is required, in the same way that the United States has to do its part, of course with entirely different means. I came across this attitude quite frequently on the part of national negotiation teams, which included many business people, and they were not always keen to understand our problems. So, we had to spend a lot of time explaining some of our background reality. And I think in the end, everybody was on board.

But I would like to add a point: the crucial importance of the facilitator. And I think the facilitator who was the director general of the WTO, Mr. Acevedo, was a role model, because once we entered the negotiation phase, we all dispersed in small rooms and all the necessary facilities. We would break out into small groups and were told to come back with a consolidated position. And I think that worked very well. When there was a specific problem, this arrangement allowed us, as LDCs, to find out how far we were prepared to go. And that, within one's own group, is also part of negotiating.

**JJS:** Thank you for this insight. Could you describe other negotiations in which you were involved?

**YS:** Yes, I want to bring up another topic in which I am particularly interested. I was Ambassador at the U.N. mission here in Geneva during the Ebola crisis, which affected my coun-



try, Sierra Leone. And during that time, in 2015, we were negotiating the Sendai Framework for Disaster Risk Reduction. I entered the negotiation with one clear goal, which was that pandemics should be considered as natural disasters. That proved to be a difficult task because many representatives considered pandemics to be within the exclusive purview of the World Health Organisation (WHO). So, I had to make a strong case that, for my country, which luckily does not suffer from some natural disasters that occur in other parts of the world, the Ebola crisis was unmistakably a natural disaster and should therefore be recognised as such. It was not an easy task because some countries, like India, did not agree. But in the end, a whole chapter was included in the Sendai Framework on pandemics and how to prepare for and deal with them.

You see, my point was that once pandemics were included in the Sendai Framework, you can contemplate preparations for such a disaster, preventing it, and everything that follows. That was something I was happy to be involved in. It's also true that in the process I became frustrated because WHO, due to budget constraints and reduced staff numbers, did not have the capacity to deal with the Ebola pandemic. During those two years in which so many people died of Ebola, and once again in all-night negotiations, I was keen to see WHO come up with a more robust emergency response unit. Once the Ebola crisis abated and things calmed down, negotiations began in conjunction with WHO to create a joint mechanism to better respond to pandemics. I felt vindicated in my wish to see pandemics included in the Sendai Framework.

**JJS:** I suppose that your experience related to the Ebola crisis gives you a

vantage point on the COVID-19 pandemic and how it was diversely treated in the world. Urgent action was required on an international scale: this included detection as well as the production and availability of vaccines. So how do you view the responses to the COVID pandemic?

**YS:** Well, for me, it was a disappointment because, having gone through the negotiations related to WHO preparedness in the Ebola crisis, I thought the new pandemic could be dealt with more efficiently. But I think it did not work out well because it required the active understanding and involvement of the bigger countries, which had the means to address some of the issues, such as vaccine production. But my major disappointment was that the moment something like a worldwide epidemic occurs, suddenly countries become very selfish. They forget that such pandemics do not respect national borders. I mean, you can try to protect your own people, but if the infection is still lurking somewhere, it's going to come back to haunt you. So that was a major disappointment. Luckily, the COVID crisis in my part of the world was not as severe as elsewhere. I wonder why COVID claimed proportionately less victims in Africa, even though there were very limited vaccination campaigns in that region. And I think that's something that medical experts should investigate.

**JJS:** As I heard, there are statistical indications that the expansion of the COVID epidemic followed quite closely air passenger traffic numbers. The fact that there's less air traffic within Africa could be one of the reasons. I think Frederik Nuehnen would like to put a couple of questions.

**Frederik Nuehnen (FN):** Ambassador Stevens, thank you so much for these insights. Especially for the read-

ers of our Journal who are in the early stages of their careers in negotiation, could you speak a bit more about your individual experience? For instance, when you faced stakeholders who had a different way to negotiate and who might have been ignorant about the needs of countries like yours, how did you deal personally with the situation?

**YS:** It's a good thing you brought this up, because I learned a lot from both sides. One thing about such negotiations is that you do not just go in and throw everything on the table. You first have to do your homework. That means not only knowing the issue at stake but also understanding what the others are thinking on the issue, and to recognise that, although positions differ, it's important to actually initiate an exchange. I think it's very important that you explain your point of view to the other side in order to avoid ambiguity.

For instance, in the Human Rights Council, I found that when a text to be negotiated is just thrown in without adequate preparation, a lot of questions are raised. I found that the efficient way was, first of all, to identify the actors who could be supportive of your position in drafting a resolution. It's extremely important to have alliances. And for a smaller country, of course it's also good if you can forge an alliance with a bigger country. Just one example: when I wanted to negotiate a resolution in the Human Rights Council against child- and forced-marriage, I knew that I needed to have strong allies. I knew that Canada was at the forefront of women's issues, so I immediately lined up with Canada and a few like-minded countries, and we formed a core group within the Human Rights Council. This core group introduced the topic and presented a draft resolution.

Another thing you should pay attention to in a negotiation is that you also have to be empathetic and listen to the views of others, and understand where they are coming from. Because unless you know what governs their thinking, you cannot actually convince them. So, for me, representing a small country, I needed to know a lot more about the issue and the different positions. In this case, I benefited a lot from various contacts, including NGOs which, like the South Centre, had done a lot of work on these issues. It's one's duty to be properly briefed and make sure that when you enter a negotiation, you have solid facts that you can not only put to the table but actually defend with confidence.

So, these are some of the things which I think are very important when you go to the negotiating table: don't just walk in! All too often, negotiations fail because teams just roll up with the deadline. How can a real negotiation take place if everybody is only guided by the deadline? You need to be able to adapt whatever you're thinking in order to accommodate, to compromise. That's very important because having an initial position is not enough, you have to listen to the other person and try to reach a compromise. Indeed, if each side sticks to its own position, no negotiation will occur, and no draft resolution will be implemented.

Let me add another remark about small states. They must exercise caution, otherwise they may be forced into supporting the views of bigger states which come and campaign with you, but mainly when that is in their own interest. I'm saying this because it is a reality: in some negotiations you can tell, from the positions small states are taking, that they've been influenced by the bigger powers, because the bigger powers sometimes

need the support of many small countries. And some of the time, small countries support positions that are clearly not in their own interest.

I remember an instance when negotiating during the third United Nations LDC conference. I was then a member of the U.N. Secretariat as a regional Director for LDCs. Suddenly, some of the countries were coming out to support what was being fed to them. In 2001, the question of renewable energy was not as acute as it is now, but to my surprise, many of the smaller states started condemning hydro power generation. My question to them was "How are you going to provide power in your country, if you exclude hydro power generation?" I think that small states have to really get the advice that they need, not the advice that benefits others. And in order for them to be able to decide whether or not they go along with the bigger states and with the crowd, or whether or not they say "Wait a minute, for my country, here are my concerns". And this is what I want to see. So that's the point I would like to see in these multilateral negotiations: small countries have to act together to make sure that they are not just being used by bigger countries in the negotiation process.

**JJS:** On that point, a question if I may. There are a number of articles and speeches about the Global South. But on closer inspection, the notion of Global South seems tenuous, as there are in fact a variety of points of view, because of ideology but also because of different interests. For example, countries which are energy rich have policies which protect their resources, and countries which have very little water and very little resources require a different approach.

**YS:** You have a point there. Even within Africa, because we often have

to work within the African group. When we're talking about trade facilitation agreements or anything about the situation in the Middle East, I can't compare my country to South Africa, for instance. So, within the African regional group, we have to engage in preparatory work before going to the overall negotiation to make sure that countries like South Africa really understand your own position and are prepared to support you.

**FN:** Your point about empathy and preparation was truly interesting. I would like to add a question: how did you deal with significant intercultural communication challenges, say talking to the US delegation or the Chinese delegation?

**YS:** I would actually call to make an appointment with whoever was the negotiator, outside the whole venue, to explain my country's position. I realised that in several instances, that helped because my country's situation, and therefore its position on the topic, was not understood. This actually happened quite a lot in the Human Rights Council, for instance on the question of female genital mutilation. Everybody condemned it. And I was saying, well yes, we ban it for children under the age of 18, but after 18, a woman has the right to choose. And surprisingly enough, women over 18 are joining because it's not just a physical thing, it's also about becoming a member of the female society, a sort of secret society. People want to be a part of that society. And there are Sierra Leoneans, you will not believe it, coming from the U.S. at age 21 to be initiated into this society. Also, there are regional differences: for instance, in East Africa it was not linked to joining a select society, genital mutilation was carried out on their children. So, when I expressed the position of my government, "Yes, it

should be banned for anyone under 18", everybody would reply, "No, it should be banned completely!". So, I had to go and explain why Sierra Leone had its own position, with the understanding, of course, that at 18 and above, it's up to the individual to decide if they want plastic surgery. The challenge was just to sit down with whoever and try to explain our position and the context, which it is your duty to support.

**FN:** So, in the course of negotiations, your purpose was to take the issue outside of the formal context?

**YS:** Yes, outside of the formal context.

**FN:** From a personal point of view, when you faced barriers in these negotiations and it became frustrating, and you noticed that your efforts were not successful, what was your personal trick against frustration? How did you keep going?

**YS:** Yes, I think one has to know how to make a compromise. So, you don't say to the other party "You know, this is what I want, and I see you are against it". You listen to the reason for which the point you're making is not accepted. And then you have to envisage a halfway house, where everybody does not come out of negotiations being happy but where nobody comes out unhappy. So basically, you sit down and think "What are some of the concessions which we have to make?". For instance, in the Human Rights Council, you can insist a bit because the rule is not full consensus, there is a vote at the end, so you just need to convince enough countries to vote in favour of your resolution. But in the WTO, or for the Sendai Framework, where consensus is the rule, sometimes you have no other choice but to give up on some points. And usually there's a deadline. In the Trade Facilitation Agreement, in Bali

the night before it was agreed upon, the deadline was four o'clock, we adjourned at one o'clock and went back at four o'clock, and everybody had to swallow some part of whatever they were insisting on in order to reach a compromise, and to have an agreement, because at least it's something that is acceptable to you.

**JJS:** Throughout your very interesting career, you represented a sovereign state and did not act as a facilitator between two or more negotiating parties. Our readers should be made aware that there can be other roles in negotiation, for instance as facilitators, which includes taking care of practical arrangements, such as appropriately discreet and safe venues, interpretation and translation facilities, secretarial support, secure communications, and accommodation where necessary.

**YS:** You're right, I do not have experience as a facilitator. But I've seen that at close quarters, and it can be interesting in its own right.

**JJS:** Ambassador Stevens, that brings us to the end of our conversation. Thank you for this interview, which will be one of our very first in the Practitioners' Interviews series.

# Wind of change? The Conflict over Wind Power Expansion in Bohnheim, Germany

**Sophia Dykmann**  
Independent Researcher, Berlin, Germany

Online publication date: 20 November 2024

<https://doi.org/10.70714/rngs5272>

ISSN (online) 3042-5913

## Abstract

This paper investigates the intricate conflict surrounding the expansion of wind power in the municipality of Bohnheim, Germany, amidst the global push for increased renewable energy capacity. To meet the 2030 targets, Bohnheim becomes a focal point for debates between local government, citizens, and the wind energy industry. The study investigates the subjective perceptions and motivations of key actors in the conflict, utilising semi-structured expert interviews and the conflict onion analytical tool. It explores the positions, interests, and needs of the mayor, district administrator, wind energy company representatives, and the citizens' initiative opposing wind power expansion. The historical context outlines the municipality's early engagement with wind power in the 1990s leading to highly emotional conflicts between proponents and opponents. These are characterised by intense personal attacks, heightened public debate, and deep-seated divisions over moral, ethical, and legal perspectives. Present dynamics involve legal challenges, criticisms of the municipal planning process, and concerns about environmental impact and health risks linked to wind power expansion. Findings highlight overlapping needs, such as environmental protection and the promotion of renewable energies, even as positions and interests diverge. The paper identifies potential resources for conflict transformation, including the shared commitment to the rule of law, justice and democracy. Financial impacts, health considerations, and population representation emerge as key themes requiring further exploration. The complex nature of the conflict emphasises it as not only as an obstacle but as an opportunity for development and learning of the municipality, fostering public debate on future-relevant topics and democratic behaviour. Beyond Bohnheim, the upscale results can help shape inclusive policies sensitive to diverse interests in municipal – and environment – related conflicts, benefiting the civil society, nature and the national economy mutually. Tied to sustainable energy strategies, the paper on hand offers inspiration for diversity-sensitive policy approaches, in Germany and abroad.

## Biography

Sophia Dykmann is a social worker and peace researcher focused on human-environment conflicts, human trafficking, and intersectional feminism. With nine years in civil society and a lecturing role at Aachen University of Applied Sciences, she integrates local perspectives with political-economic insights. She holds a certificate in International Cooperation for Sustainable Development from Berlin's Centre for Rural Development.

**List of abbreviations**

BauGB	Baugesetzbuch
BUND	Bund für Umwelt und Naturschutz Deutschland e.V.
CDU	Christian Democratic Union of Germany
EEG	Renewable Energies Act
FDP	Free Democratic Party
FNP	Land use plan
SPD	Social Democratic Party of Germany
STFNP	Sectoral partial land use plan

**List of shortcodes**

NL	Niklas Linde
WW	Wilhelm Weber
LS	Louis Schneider
LN	Lukas Nuhna

## 1. Introduction

The European Commission states that “achieving the recently agreed EU target of at least 42,5% renewable energy by 2030, with an ambition to reach 45% renewables, will require a massive increase in wind installed capacity” (European Commission 2023). As a result, renewable energies are accounting for an ever-larger share of the electricity mix. In Germany, during the first half of 2023, renewable energies accounted for 52% of gross electricity consumption. By 2030, this figure is set to climb to at least 80% (Die Bundesregierung: 2024).

Resolutions of this kind require municipal directives for implementation in practice, where concrete challenges for people and the environment become apparent. Debates about wind power’s usefulness and implementation occur between municipalities and the federal government. To quote Juli Zeh’s novel *Unterleuten* (2016),

If Berliners are keen on wind power, they should put the windmills in their zoo”. However, this topic is also being discussed within many municipalities (Ziekow, Barth & Schütte et al. 2014), including the municipality of Bohnheim. It is located in the district of Annastadt and on a plateau that offers ideal geographical conditions for wind power operations and is actively used for this purpose.

The interviews conducted for this paper revealed that the conflict surrounding wind power expansion in Bohnheim is particularly emotional and dynamic. According to Müller (2024), the reasons behind the emotional intensity of conflicts over wind energy are people being driven by feelings of unfairness and personal impact; for instance, many feel that the energy transition disproportionately burdens low-income groups.

There is also distrust toward renewable energy policies, with some opponents suspecting hidden political motives. Additionally, collective emotions, such as a sense of empowerment from joining others in protest, play a significant role. Precisely these dynamics can be observed in Bohnheim.

From the legal perspective and public discourse, it is evident that the mayor, the party-political councillors, the district administrator, and the district administration play fundamental roles in this conflict. Furthermore, the company Aufwind GmbH,<sup>1</sup> which is the main driving force behind the construction in Bohnheim, and the citizens’ initiative *Gegen den Wind Bohnheim*, which was founded in protest, must also be considered as primary parties to the conflict. Other civil actors are constantly involved in this conflict.

But what exactly do these actors actually want? What positions do they represent to the public, and what are their underlying interests and needs?

These questions are addressed in the conflict analysis, persuading various interests. On the one hand, conducting semi-structured expert interviews stimulates the self-reflection of individual actors. On the other hand, the author uses the findings to encourage those involved to understand each other more fully, point out blind spots, initiate new discourses, and ultimately find solutions.

This analysis does not aim to shed light on the conflict itself, but rather to understand and explain the subjective perceptions and motives of the parties who are in conflict. In doing so, it makes a significant contribution

<sup>1</sup> In order to preserve the anonymity of the participants, all personal, institutional, and geographical names are fictitious.

to the existing literature. Unlike broader studies focusing on national or regional perspectives, this analysis delves into the local level of the under-researched community of Bohnheim. By emphasising the emotional and socio-political dimensions of the conflict, it uncovers complex layers behind the apparent discourse that drastically hinder sustainable change and are often overlooked in similar studies. This study suggests pathways to accelerate and solidify such change, enriching the discourse on sustainable energy policy by illuminating the intricate realities of its implementation at the municipal level. Due to the representative nature of the conflict, the results not only provide valuable insights for understanding the dynamics of local energy debates but also for shaping a differentiated and multi-layered policy in other regions with comparable challenges. Tracing communal lines of conflict in relation to the implementation of sustainable energy strategies will, consequently, provide inspiration for a socially, economically, and ecologically sustainable and herewith climate – just transformation – far beyond Bohnheim (Weber et al. 2017).

Since the case study refers to an assessment from 2020, in which the interviews were conducted, it shall be noted that the vacancies of the actors (e.g. mayor) have now been replaced with new individuals. The author recognises that this only offers a limited insight into a long-standing and complex conflict. Due to the local and under-researched nature of the conflict, reference is made to the difficulty of sourcing, using information from interviews, internet sources, local media, and personal experience. Consequently, if no source is given in the text, readers should know that the information (including in the background section) is based on the inter-

view analysis findings. The author considers her own subjective socio-cultural perspective, as she grew up in Bohnheim, but emphasises the fundamental coherence in the communication patterns between herself and the interviewees.

## 2. Legal frameworks for wind energy planning

To grasp the conflict, the determining laws and regulations on the national and municipal levels need to be understood, as they essentially shape the conflict's theme and related discussion points. Hence, they are outlined below.

### *The Renewable Energies Act (Erneuerbare Energien Gesetz [EEG]):*

The EEG forms a key basis for promoting renewable energies in Germany. Originating from the Electricity Feed-in Act (Stromeinspeisungsgesetz) of 1991, it obliges energy companies to prioritise renewable electricity feed-in into the grid. Updated in 2000 and regularly amended, the EEG promotes state investment in renewable energies. The objectives of the Act range from sustainable energy supply and climate and environmental protection to the promotion of technologies for generating electricity from renewable energies (Frey 2011). It is financed by the EEG surcharge, levied on the electricity price of individual households in Germany. It is collected by the energy supply companies and is used to finance the feed-in tariffs for plant operators who inject the electricity they generate into the grid.

### *§35 Building Code (Baugesetzbuch [BauGB]), building outdoors:*

Section 35 of the BauGB stipulates the admissibility of outdoor buildings under building planning law, including wind turbines. Since 1997, Section 35(1)(5) of the BauGB has privileged the permissibility of wind power, provided that the project does not



conflict with public interests and that sufficient development and use for wind or water energy are guaranteed. §35(3) BauGB defines public concerns that must be considered during approval, from land use plans to environmental aspects. (Kümper 2017)

*Local regulations for wind power planning through land use plans (Flächennutzungspläne [FNP]):*

As explained above, German laws allow the building of wind turbines according to freedom of construction (§35 BauGB). By drawing up a land use plan (FNP), a municipality can restrict this freedom of construction in accordance with §5 of the BauGB by presenting its urban planning and development goals and mapping areas according to the type of use. Areas that should be used for wind power operations can also be identified here. Outside these areas, the use of wind power is no longer possible. §5(2b) BauGB also regulates that objective partial land use plans (STFNP) can be drawn up for purposes in accordance with §35(3)(3), including for parts of the municipal area.

In this way, municipalities can additionally control wind power development by designating concentration zones (Piron 2019). If municipalities fail to regularly adjust their FNP, these might be declared invalid. If there are no effective wind priority areas in a municipality or in a city, a building permit or emission control permit for a wind turbine is permissible at any point in the city or municipal area and must be granted (§35 BauGB). Every property owner must be granted permission by the district – provided that pollution control, species and nature conservation, or the distance regulation from residential areas does not conflict with this. It can happen that the applicants oppose a rejection or communities/citizens oppose the approval of a wind turbine. In this

case, one can file a lawsuit with the administrative court responsible for the respective district, which handles disputes between authorities and the population, making judgements on the final admissibility of a wind turbine.

### **3. Background and outline of the conflict**

To place the actors' positions, interests, and needs in context, the following section outlines historical and current events that are perceived as important and describes the local political framework conditions in the municipality of Bohnheim.

#### **3.1 The conflict's history**

The municipality of Bohnheim belongs to the district of Annastadt. It consists of five villages and has a population of around 13,000. During the time of this study (2019/2020), the Christian Democratic Union (CDU) and the Social Democratic Party of Germany (SPD) were the most popular parties, holding 41% and 38% of council seats. The Green Party (Bündnis 90/die Grünen) holds 10% of the council seats. A locally formed party and the Free Democratic Party (FDP) hold 3% and have formed a parliamentary group (Borchen n.a.).

During the research for this paper, the interviewees reported the following information and events relevant to the history of the conflict:<sup>2</sup> The municipality of Bohnheim offers ideal geographical and technical conditions for wind turbines. In the 1980s, the power station of Annastadt, which was the district's leading electricity supplier, published a wind power atlas. This was intended to show that a serious investment in wind power in Annastadt was not economically lucrative. In the spring of 1995, they ap-

<sup>2</sup>The remainder of this chapter presents additional findings from the study and is regarded as a secondary outcome.

proached the banks with this position – investment in wind power was not worthwhile in Annastadt – and told the citizens that electricity prices would rise. Wind power was nevertheless pushed through by Aufwind GmbH and other companies and was first realised through citizen participation in nearby villages and cities. In 1997, the largest inland wind farm in Europe was built there – by Aufwind GmbH, among others. This project was supported by politicians and the mayor, Wilhelm Weber. In a citizens' petition to review the population's wishes, 90% favoured the further expansion of this wind farm, with a participation rate of 10%.

Interviewees further reported that the first Bohnheim Energy Days were organised by the locally founded party Free Voters' Association in September 1996 with the aim of stimulating a discourse on renewable energies, presenting and developing options for the community with the various companies assisting. The background was the global impetus to promote renewable energies and the desire to phase out nuclear power following the Chernobyl nuclear disaster. At this time, however, most political representatives focused on isolated social issues rather than ecology. For that reason, interested turbine construction companies settled in other municipalities in Annastadt district.

Here, wind power quickly proved to be economically successful for investors and shareholders. Farmers earned money by leasing land for the construction of turbines. This led to the first conflicts between those who profited and those who saw wind power as a nuisance. Even when Aufwind GmbH was no longer dependent on citizen financing, they continued doing so, aiming to minimise envy and allow the municipalities to share in the profits. Opponents criticise wind

power, saying that it makes the electricity system unsafe and expensive for end consumers.

The privileging of wind power in 1997 through §35 BauGB (1)(5) made building wind turbines in outdoor areas possible and more accessible. Accordingly, applications for the construction of turbines had to be approved if no wind priority areas had been designated by the municipality FNP. As a result, the favourable wind conditions in Bohnheim led to an increase in construction. At the end of the 1990s and the beginning of the 2000s, various local heritage organisations protested in favour of preserving local beauty and nature conservation and against the further expansion of wind energy. In 2015, the citizens' initiative Gegen den Wind Bohnheim was founded, described by its founder, Lukas Nuhna, as a loose association of various interest groups.

### 3.2 Current dynamics

Bohnheim's last FNP was declared pending and ineffective by the Administrative Court in 2016 due to a formal mistake. According to Mayor Schneider, no FNP has stood up in court recently. This is precisely what much of the public debate centres on. The Administrative Court and the Annastadt district administration have criticised the fact that the FNP in Bohnheim has not been adequately implemented. This is countered by accusations that the court is making political judgements in favour of wind power and is not acting in accordance with the objective standards of the rule of law.

In June 2019, the Bohnheim municipal council adopted the STFNP in accordance with Section 5 (2b) BauGB, the planning of which was approved by the district government. Planning concentration zones for wind energy is an elementary part of the STFNP. How-

ever, these did not create new planning opportunities; they were geographically reorganised. The narrow concentration of wind power planning on small sub-areas is intended to minimise the environmental impact. During the previous identification of potential areas, environmental concerns and areas worthy of protection under species protection law were examined and excluded. Some potential areas were, therefore, not included in the STFNP as concentration zones due to species and nature conservation concerns.

The same applies to areas which, in the view of the specialised authorities, are subject to increased protection requirements for landscape protection, scenery, or regional culture. Public opinion about the STFNP and the concentration zones was and is divided. Some residents criticise the fact that the legally prescribed distance to residential areas is not maintained. They refer, in particular, to the minimum distance of 1500 meters from residential areas proposed by the state. These requirements could not be met due to the federal government's substance requirement. Wind power companies criticise the plan, saying that it would severely hinder the possibility of expansion. Some areas could be utilised but were nevertheless rejected as potential sites. The municipality of Bohnheim replied that in the case of a communal assessment, it also rejects potential areas that could have been used by wind turbines in principle on a case-by-case basis.

The conflict is characterised by intense emotionality and attributions of individual responsibility for groups or individuals' health or economic conditions.



Figure 1: Conflict onion. Own graphic based on Fischer 2000.

#### 4. Methodology

To analyse the conflict, the instrument of the conflict onion was used. Semi-structured expert interviews were conducted and analysed using Mayring's (2015) qualitative content analysis. Its specific application is explained below.

##### 4.1 The conflict onion

The conflict onion as an analytical tool is intended to explore the needs, interests, and positions of the parties that are in conflict. It uses interlocking circles to show these levels (Fisher 2000). A need is understood as something that someone absolutely must have in order to exist.

An interest is something that someone really wants to have, what someone is very keen on, what is important or useful for someone. The position is what someone communicates as their wish, a point of view or an outwardly represented attitude on a certain topic (Marsh, Perez & Hallsworth et al. 2015). By comparing the onions of different actors, it can frequently be discovered that the underlying needs do not necessarily contradict each other, even if the positions are contrary. The conflict onion is therefore seen as a suitable instrument for identifying the topics of conflict (at the levels of positions and interests) and

deeper-rooted elements of conflict (at the levels of interests and needs) from the perspective of the actors (Fisher 2000).

The long-standing wind power conflict in Bohnheim is characterised by an escalating, unstable situation with low levels of trust between civil society, economic players, and state institutions. The conflict onion model, which illustrates how actors tend to stick to entrenched positions over time, was used to explore deeper layers of the conflict and facilitate new levels of dialogue. (Fisher & Simon 2000). The tool promotes self-reflection on the part of the actors and can support conflict management. Semi-structured expert interviews were conducted to directly or indirectly enquire about positions, interests, and needs and summarise them in the conflict onion.

#### **4.2 Semi-structured expert interviews**

Semi-structured expert interviews were used to capture the conflict actors' implicit knowledge of action (practical knowledge about how they and other conflict parties act in specific situations) and interpretation (understanding and perspectives on the conflict parties' behaviours and occurring events) (Bogner & Menz 2005). The participants, who adopted a subjective stance due to their involvement, were interviewed. The analysis does not focus on the object of the conflict but on the subjective perceptual realities of the participants.

Extensive research on the conflict was carried out before the interviews (see Chapters 3.1 & 3.2). This prior knowledge helped to structure the interviews and define objectives (Wassermann 2015). The experts were identified through a systematic review of the council information system of Bohnheim municipality, which provided

access to records of key decision-makers and participants in relevant discussions. Additionally, local media sources were analysed to identify individuals who had publicly commented on or were involved in the wind power debate. These experts were then contacted via email or telephone. Except for the CDU members, who did not respond to an interview request, representatives of all conflict parties were recruited for an interview.

A sample that closely aligns with the target population was chosen by including key stakeholders who represent significant parts of the population, exert or are perceived to exert influence on wind energy development, and are actively engaged in the conflict (e.g., the company Aufwind GmbH with its plan to construct wind turbines in Bohnheim). It was important to ensure that they generally had a leading role in the institution or social group they represented. This selection aims to capture the diverse perspectives and power dynamics within the broader population affected by or benefiting from wind energy expansion. Exclusion criteria eliminated groups or individuals lacking substantial representation, influence, or a public role in the conflict.

Before introducing them, it shall be noted that, although they did not request anonymity, it was considered advisable to anonymise the case study. Using real data would firstly not add value and secondly could negatively impact the conflict dynamics, which have continued to change since this analysis was carried out. Thus, names, places, and company names have been replaced with pseudonyms. Any details or combinations of information that might reveal identities have been omitted. If any conclusions about identities could still be drawn, the interviewees' consent is acknowledged.

1. *Louis Schneider: Mayor of the municipality of Bohnheim, SPD.*
2. *Wilhelm Weber: District Administrator of Annastadt, CDU.*
3. *Lukas Nuhna: Co-founder of the citizens' initiative Gegen den Wind Bohnheim.*
4. *Niklas Linde: Founder and Managing Director of Aufwind GmbH.*
5. *Bernhard Müller: Member of the Green Party Bohnheim.*
6. *Tobias Kleber: Member of the Free Voters' Association Bohnheim.*
7. *Gottfried Glas: Chair of the Social Democratic Party (SPD) Bohnheim.*

The mayor, district administrators, and representatives of interest groups were selected to cover the perspectives of broad parts of the population. Their long-term interests, asymmetrical power relations, and social influences were considered. It is acknowledged that the entire sample consists of persons who are white and male socialised, reflecting the predominantly male and white-dominated structures of politics and business in Bohnheim and Annastadt. Although the sample does not capture the population's diversity, the interviewees still accurately represent the key parties involved in the conflict. According to Mayring (2015) and MAXQDA software, the interviews were analysed using qualitative content analysis.

## 5. Findings

Due to the scope of this report, a representative selection was made from the interviews conducted. It includes the interviews with Schneider, Weber, Nuhna and Linde. Schneider and Weber are considered in their role as public officials. They are examples of formal conflict being engaged in official decision-making processes, adhering to regulations, and overseeing legal and administrative procedures. Nuhna and Linde, on the other hand, act mainly for private and civic reasons, thus representing a different level of conflict of interests and needs.

This means that the conflict onion was used with Weber and Schneider from the perspective of their function and with Nuhna and Linde from the perspective of the person.

### 5.1 Louis Schneider – Mayor of Bohnheim

#### *Person and relevance*

Louis Schneider is a member of the SPD and held the office of mayor in the municipality of Bohnheim from 2009 to 2020. He is relevant to the conflict discussed in this paper because, as elected mayor, he represents the municipality externally and heads its administration. Among other things, the administration has the task of drawing up land use plans, therefore, steering the construction of wind power. Schneider is chairman of the Bohnheim municipal council, which approves the FNP. In the following, he will be examined in his role as a public official.

#### *Positions*

Louis Schneider takes the position, both professionally and personally, that there were already too many wind turbines in the municipality of Bohnheim and that construction should, for this reason, be halted. Furthermore, he calls for the preservation of areas that are not built on by wind turbines. He emphasises that he recognises the function of wind power and considers it very important to combat climate change and implement the energy transition. He also believes that every local authority is responsible for contributing. However, he is solely concerned with the municipality's disproportionately high number of turbines, which would have long ago lost citizens' acceptance. He also finds it unacceptable how Aufwind GmbH is channelling financial resources into the community. Such behaviour would destroy voluntary structures (such as participation in the

Bohnheim Advent market), which would be a great pity. Schneider believes that it is and remains important to the people of Bohnheim (and himself) that Bohnheim is a quiet place with green spaces for young families. He wants to keep the structures for young families at a high level.

Schneider is “actually satisfied” with local politics in Bohnheim, as the vast majority agreed with his position. He also says he does not act with a party-political approach but, as mayor, is guided by what matters to the citizens. He gets along well with many people with conservative attitudes and (also) represents conservative values. The mayor’s post is Schneider’s dream job, and he is grateful to have fulfilled it for ten years. He believes it is important to have good advisors on his side. These are not those who support his opinion, but those with whom he could argue. He considers it difficult to find a solution, “What space should be created now in which I can resolve this conflict beyond a solution of ‘enough is enough’? It does not work”. He does not consider the demand to make the decision-making processes on wind power more transparent to be important. The transparency of the processes had nothing to do with the citizens’ concerns. For them, the outcome itself mattered, which must include a stop to further expansion and not the process of how the outcome is achieved.

### *Interests*

Schneider does not welcome any extensive changes to the landscape. This stems from the assumption that flora, fauna, and nature in general would suffer from the development. He, therefore, wants a discourse on the meaningfulness of wind power and possible alternatives. In general, he favours the energy transition by pro-

moting renewable energies. Moreover, he would like the courts to be neutral regarding decisions, which he currently sees as having a clear bias in favour of wind power. He also strives for rational decisions in Bohnheim council. Currently, he has the impression that some votes are only taken because the decision-makers are against him and not against the issue itself. Furthermore, Schneider demands the state to stop creating opportunities and subsidies that support behaviours such as the excessive and capitalist expansion of wind power.

He likes living in Bohnheim and enjoys the landscape, the infrastructure, and the good relationship with its residents. He thus wants to keep the structures for young families at a high level and maintain voluntary structures. In this regard, he would like large companies to understand the important interaction between the community and voluntary work (such as participation in the Bohnheim Advent market) and realise wind power’s impact. Overall, Schneider wants to represent social democracy ideologically and practically by striving for justice. He wants to implement and demonstrate democratic structures. He calls for honest opinions and dissent in order to reflect on his decisions so that he can act according to the best of his knowledge and conscience.

### *Needs*

Louis Schneider attaches great importance to environmental protection and the protection of a sense of home, which he also projects onto the landscape. He also feels it is his duty as mayor to evaluate and represent the wishes of the citizens. Volunteering is an elementary pillar for a functioning municipality. Justice in general and its practical realisation according to the understanding of social demo-

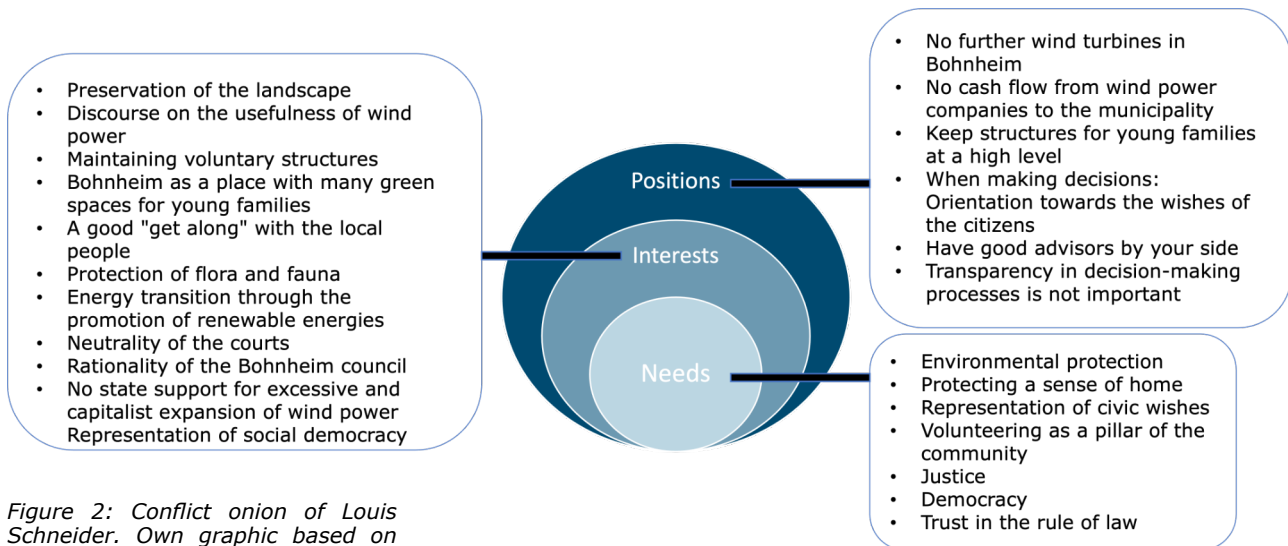


Figure 2: Conflict onion of Louis Schneider. Own graphic based on Fischer 2000.

cracy also act as elementary values for his actions. Trust in the rule of law is also of fundamental significance.

## 5.2 Wilhelm Weber – District Administrator of Annastadt

### *Person and relevance*

Wilhelm Weber (CDU) was the district administrator of the Annastadt district from 2004 until 2020. He heads the district administration, represents the district at public events, and maintains close contact with the towns and municipalities' mayors, councillors, and administrations. He represents the district's interests at the state government and the regional council. Regarding wind power, the district administration is the authority that examines applications for the construction of wind turbines in accordance with §35 BauGB in order to approve or reject them. Its role as a public official is analysed below.

### *Positions*

First and foremost, Wilhelm Weber takes the position that he and the district administration will authorise or reject wind turbines if this is prescribed by law. Even if he considers the legislator's decision about wind power to be good and correct, he believes that the limits of wind power

use in Bohnheim have been reached or possibly already exceeded. He believes it should be up to the municipalities to decide whether or not to authorise the use of wind power above a certain limit.

Hence, he believes it is right to look for options for certain limitations (such as minimum distances), even if this will no longer directly influence Bohnheim. He takes the position that urban centres cannot simply demand that rural areas provide their resources without recognising the potential for conflict and restrictions. He therefore considers whether regions such as Bohnheim, which provides a lot for renewable energies, deserve compensation, as they provide a great service to society that has not yet been honoured. He, therefore, finds it important to explain to the federal government that wind power construction in regions such as Bohnheim (due to the altitude) quickly reaches the limits of what is acceptable. He believes that this has "also been recognised there". According to Weber, it is the legislator's task to ensure that a land use plan can be made sustainable. With specific reference to Bohnheim, he recommends that land use planning should be drawn up on time and as accurately



as possible. Even if he recognises the challenges that come with it, from his perspective, it will make everyone's efforts easier and prevent conflicts. Hence, he hopes that the current land use plan will stand up in court and that "the municipality of Bohnheim will be able to realise its planning objectives as it prefers".

### Interests

Weber's central interest is law enforcement through him as district administrator and the administration, regardless of personal attitudes. He finds it unacceptable that he and the district administration are threatened by various actors and "attacked in the worst possible way". This is unjustifiable and unacceptable in a constitutional state. Consequently, he strives for general recognition that the district administration is not responsible for whether licenses are granted, which claims arise, and which FNPs fail in court. Nevertheless, it is important for him to take citizens' concerns seriously and address them actively, e.g., by facilitating open dialogues. He recognises that the transformation of the homeland is an emotional matter. However, he would like the conflict to be discussed rationally and without excessive emotionality and criticism

(especially not directed at those who, like the district administration, obtain no decision-making scope).

A factual exchange is crucial to him, which has already been achieved, e.g., in a citizens' meeting, which he regards as very positive. Weber emphasises that everyone in Annastadt district bears responsibility for this conflict. He, therefore, hopes that a consensus can be found regarding the use of the landscape. Peace should be restored between wind power opponents and supporters. As the district administrator, he endeavours to achieve this and, in this regard, accepts the wishes of the Bohnheim municipal council. In general, Weber is convinced that promoting renewable energies is necessary, whereby regions such as Bohnheim should not be overburdened.

### Needs

A central need of the district administrator is to uphold the principle of the rule of law and the reliability of the district as a public administration in its application. In this respect, there is a need for fairness in the behaviour of the actors towards him and the district administration. Environmental protection and its implementation are pro-

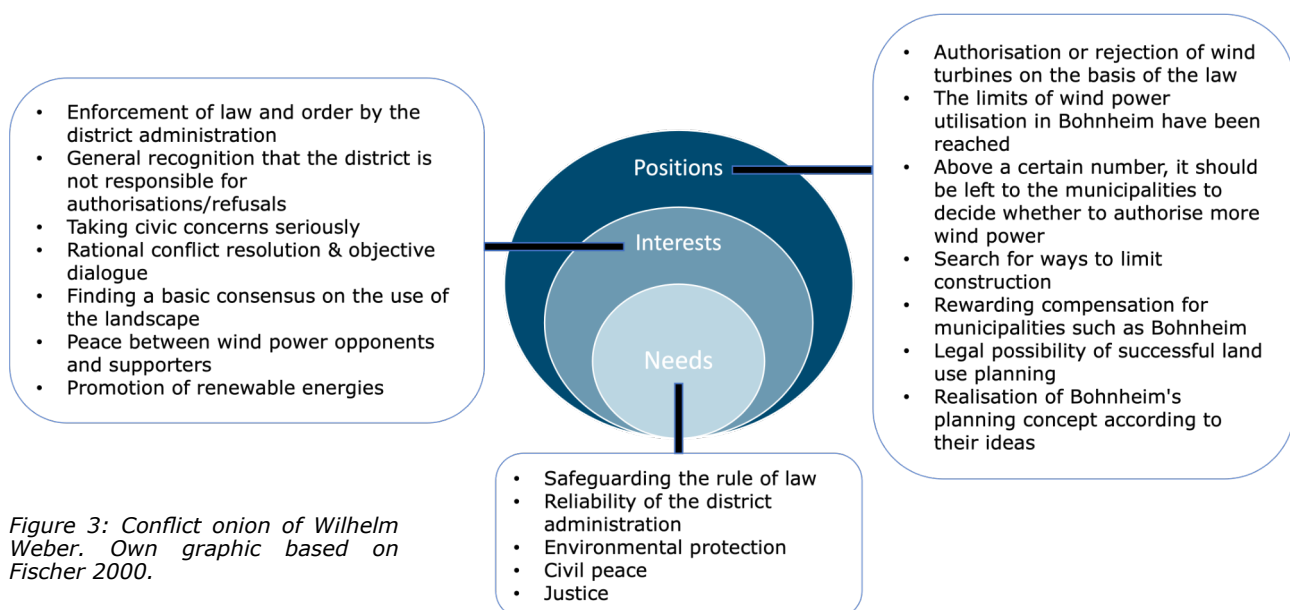


Figure 3: Conflict onion of Wilhelm Weber. Own graphic based on Fischer 2000.



fessional and private needs for Weber. However, this should not jeopardise civil peace.

### 5.3 Lukas Nuhna – Founder of Gegen den Wind Bohnheim

#### *Person and relevance*

Lukas Nuhna is co-founder and responsible for the citizens' initiative Gegen den Wind Bohnheim, launched in 2015. Nuhna himself describes it as a loose association of various interest groups from the region around Bohnheim. Its manifesto states that it does not fundamentally oppose wind energy. Nevertheless, its members believe that Bohnheim has contributed enough to the energy transition with over 50 wind turbines and that further expansion of wind power had too many negative consequences. They justify these statements on their homepage with the following:

- *"Our last red kites and bats are being killed!*
- *The effects of the massive infrasound on our health are unforeseeable!*
- *Our fissured karst soil is not suitable for the wind giants!*
- *The landscape of our region is being destroyed continuously!*

Their involvement is particularly demonstrated by information work, event organisation, and regional networking.

#### *Positions*

All in all, Lukas Nuhna positions himself against the further expansion of wind power in Bohnheim. He considers wind power to be acceptable as a supplementary energy source, but neither to the extent that it would be used in Bohnheim nor as the main energy source. He does not want any further disfigurement of the landscape in Bohnheim. Aufwind GmbH must, therefore, cease its business activities. He believes that Aufwind GmbH's

activities should not be subsidised and that the operators should be further enriched, as the price is ultimately paid by consumers through the EEG levy. Thus, he wants companies to no longer be able to profit from non-sustainable projects such as wind power in Bohnheim.

Nuhna perceives a threat to earthworms from the soil compaction caused by wind power construction and criticises that water no longer drains away naturally but flows into the valley. The protection of bees, which are threatened by infrasound, and the protection of birds, such as the red kite, are no longer guaranteed. He considers these species to be particularly worthy of protection due to their crucial roles in maintaining biodiversity, supporting ecosystems, and contributing to food security through pollination combined with their threatened status. He would also like to let his dog run around freely without hesitation, but it would be frightened by the turbines.

Nuhna would like the district administrator and administration to pay more attention to the health situation, the wishes of the citizens – both generally and specifically the immediate halt of wind power expansion – and the defined legal situation. He would like to encourage his fellow citizens to reflect on the whole issue of wind power.

#### *Interests*

Species conservation, the protection of native flora and fauna, and the landscape are interests that Nuhna particularly pursues. He demands politicians and citizens to invest in a proper, functioning energy future. This could not consist of wind or solar power because their "fluttering electricity" is ineffective. He wants a sensible solution to be found and implemented, citing the example of nuclear

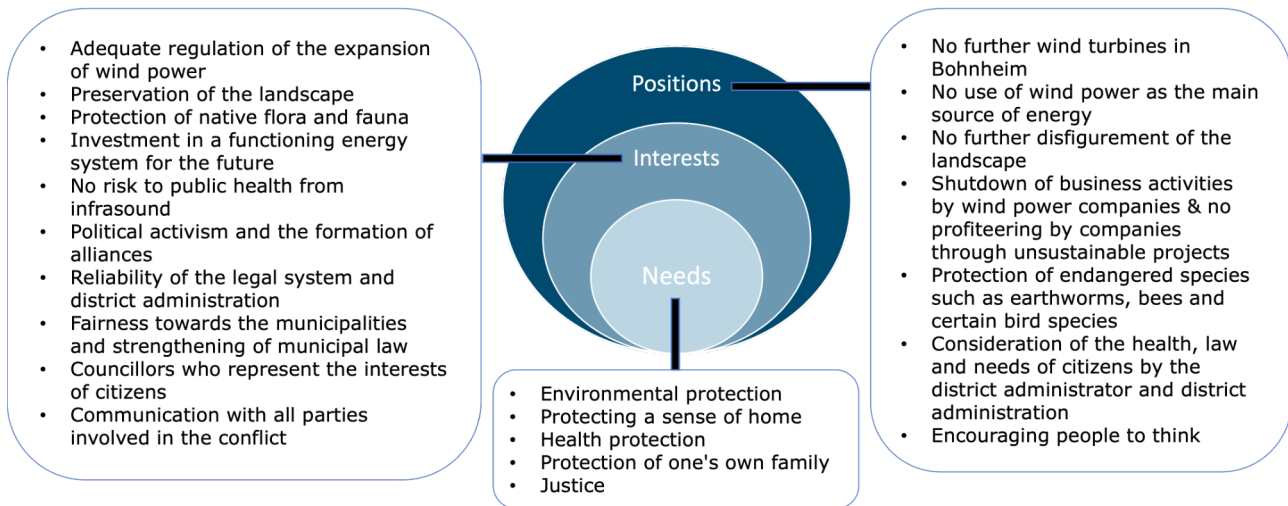


Figure 4: Conflict onion of Lukas Nuhna. Source: Own elaboration based on Fischer 2000.

fusion in France. He is in favour of adequate regulation of the expansion of wind power in Bohnheim, so that the health of citizens is not further endangered by infrasound. He considers political activism and the formation of alliances to be elementary for the realisation of these goals.

He further wishes he could rely on the laws and the district administration. He also claims it is hardly possible to draw up an FNP that withstands regulatory scrutiny and can be effectively implemented. In this regard, he calls for a more reliable legal system, more fairness towards local authorities, and a general strengthening of local authority law. With regard to Bohnheim council, Nuhna is keen to discuss the "matter itself" regardless of party affiliations. He expects councillors to represent the citizens and not their own interests. Overall, he wants to communicate and discuss with all those involved in the conflict, including wind power companies, public and political stakeholders, and civil society.

### Needs

The central needs behind Nuhna's activism are environmental protection, health protection (including for his own family), and preserving the feeling of a home in which he feels

comfortable. It is also important to him that all these dimensions are considered holistically and globally to protect the world.

## 5.4 Niklas Linde – Aufwind GmbH

### Person and relevance

Niklas Linde is a co-founder and one of the managing directors of Aufwind GmbH, one of the region's leading companies working on renewable energy. The aim of its foundation is:

*"to achieve more for the region together. Various experienced wind power operators, [...] who had previously developed their own grassroots wind projects, joined forces. As a group, it was possible to tackle larger projects at regional level. The motivation was and is: to promote renewable energies and use the profits to strengthen our local region in a variety of ways."*

(Aufwind GmbH)

### Positions

In general, Linde says that Aufwind GmbH is planning further wind power projects in the Bohnheim area, whereby distances of more than 1000 meters are to be maintained. He is interested in social awareness-raising

work on the topic of wind power and anything related. Furthermore, he wants to engage in foundation work in Bohnheim. Linde believes that opponents of wind power (also due to their unscientific perceived arguments, such as wind turbines marring the natural beauty of the landscape) are being recruited by right-wing parties. Consequently, he neither wants to pursue or give in to them nor empathise with them. Nevertheless, he says he wants to participate in a discussion addressing the issue.

### Interests

With regard to the energy industry, Linde seeks redemocratisation through decentralisation. This way, the energy industry should not only be dominated by large corporations but should serve both nature conservation and civil society. In general, he believes that the conflict should be addressed and not ignored. He sees himself as a political person who considers the general public and aims to act responsibly for society. However, if no agreements can be reached out of court, he wants to utilise the rule of law, e.g., if Bohnheim council takes a stand against the expansion. Honesty and authenticity in the (national) energy industry are very im-

portant to him. He believes that the energy transition in Germany should not be realised through the exploitative and inhumane import of foreign energy but by developing own local concepts for sustainable energy generation, like further advancing the synergy between wind and solar power. Finally, he wants to fight for what is important to him. Not least because he promotes renewable energies as a career, financial profit is one of Linde's interests.

### Needs

With regard to wind power, Linde's central needs are democracy and environmental protection, as well as financial security and securing prosperity through economic success. Contentment and happiness are fundamental, and they can be achieved through sustainability, altruism, and success. A rule of law that is adhered to is likewise significant.

## 5.5 Limitations and future research

Given the conflict's complexity, this analysis serves as an initial insight, forming a solid basis for a comprehensive academic examination. The small sample size of four participants does pose a limitation regarding the study's generalisability. However, the

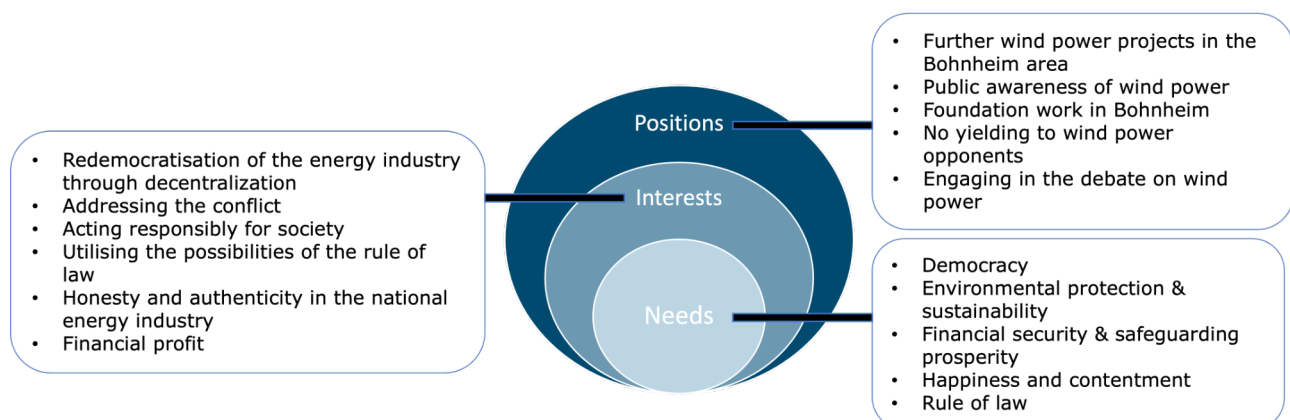


Figure 5: Conflict onion of Niklas Linde. Own elaboration based on Fischer 2000.

sample retains representational value as it includes key conflict parties and reflects typical conflict lines in other municipalities. While the findings provide valuable insights into the specific context of Bohnheim, future research with a larger and more diverse sample could enhance the robustness and broader applicability of the conclusions. Therefore, further investigations could include adding conflict actors, conducting in-depth research into parties' needs, reconciling needs with concrete actions, analysing discrepancies, understanding civilian perceptions and wishes, and exploring conflict parties' differing views and possibilities for finding solutions. Given the research circumstances of the paper on hand, there was a gender, age, and class gap in each interview constellation, which influenced the conversations, the interviewees' answers and, thus, the analysis. To get as authentic an impression as possible, further interviews could be conducted by scientists who feel they belong to different social groups than the author. This way, a diverse understanding of the conflict perceptions could be approached.

## **6. Resources for conflict transformation**

Overall, it became clear that needs often overlap or at least do not contradict each other, although the interests and positions are opposing. It is particularly striking at this point that environmental protection is expressed by all actors as the central driving force behind their actions in this conflict. The primary distinction is that Linde advocates for the expansion of wind power, emphasising the need for renewable energy like many other actors, while Nuhna prioritises the protection of biodiversity and species conservation, which leads to opposition to further wind energy development. This green versus green di-

lemma is already known in research, and several proposed solutions from other case studies could be used to tackle this issue. For example, Köppel et al. (2014) propose adaptive planning and management strategies in their paper *Cautious but Committed: Moving Toward Adaptive Planning and Operation Strategies for Renewable Energy's Wildlife Implications*. They suggest adjusting wind turbine operations to protect wildlife, such as bats, and incorporating ongoing monitoring and flexible decision-making to balance renewable energy expansion with biodiversity conservation.

Avila (2018) highlights that understanding opposition to wind power projects through an environmental justice lens can aid in conflict transformation in rural areas like Bohnheim. By recognising local concerns—such as land use and the impact on livelihoods—Avila suggests that stakeholders can shift the dialogue toward a more inclusive approach that balances renewable energy goals with community well-being. This perspective, she argues, may help create solutions that align with the shared goal of environmental protection while addressing the deeper, often overlooked grievances of local populations.

Simultaneously, the common goal of environmental protection could form the basis of a new joint debate on how wind power harms the environment and contributes to its protection, and what a policy maximising environmental protection could look like in Bohnheim. At this point, it would be necessary to further examine how strong the need for environmental protection is among the individual stakeholders and why. The same applies to the threat to flora and fauna. External, scientific input from various disciplines is of great importance here.

It is further noticeable that Schneider, Weber and Linde emphasise the need to uphold the rule of law and act accordingly. According to the statements of Schneider, Weber and Nuhna, justice can also be identified as a common need. Schneider and Linde regard democracy as a requirement of politics. A discourse on how the values of the rule of law, justice, and democracy are practiced in local politics in Bohnheim can be useful at this point – also in order to subsequently transfer it to the topic of wind power.

In addition, all stakeholders expressed an interest in representing the population and acting in a socially beneficial manner. Social desirability or an asymmetry between what wants to be publicly expressed can be surmised at this point. With regard to the representation of the population, it must be asked whether the parties to the conflict are striving for the representation of the entire population or only that of part of the population (e.g., their electorate). The perceptions of what the majority of the population wants are contradictory. This is where independent research into what citizens and, above all, the silent majority in this conflict want could be initiated – e.g., through informal participation. A further question would be to what extent the population's voting behaviour influences the parties' position on the conflict.

The need to protect health lies particularly behind Nuhna's positions, while Linde denies that health protection is jeopardised by the expansion of wind power. At this point – as with the topic of environmental protection – a scientific debate on the extent to which wind power harms human health could be helpful.

Some criticism is directed at laws and their implementation, so it may be

useful to differentiate which conflicts can be successfully resolved in Bohnheim and which cannot. This could render some lines of conflict superfluous or shift them to other arenas (e.g., to the national level).

Another topic that affects many stakeholders (Schneider, Linde, Nuhna, Weber) is the financial impact of wind power. While some believe wind power income should flow into the village, Schneider fears that it threatens voluntary work. For Linde, the success of wind energy also means securing financial livelihoods. A discourse could be opened on how the financial needs can mutually be covered. Figure 6 summarises the shared needs of the stakeholders involved.

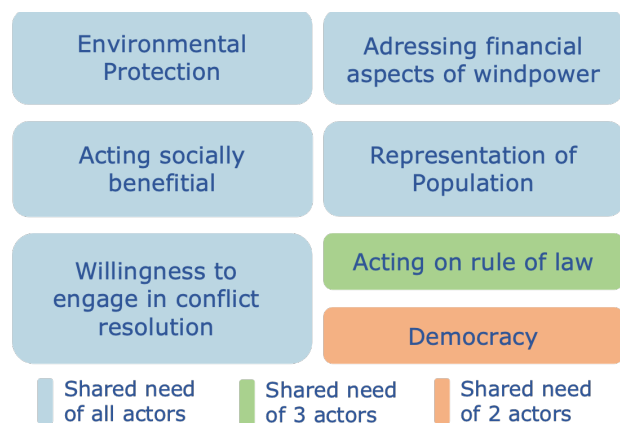


Figure 6: Shared needs of wind power conflict actors in Bohnheim. Own graphic.

Generally, there is a willingness to engage in dialogue among all stakeholders, which is regarded as a good basis for possible conflict resolution. Various wishes could be addressed this way, such as the SPD chair's wish to strengthen the village community. A further elaboration would have to examine to what extent this willingness to engage in discourse exists and why it is signalled. Differentiating topics contained in the conflict can be useful for successful conflict management.

The wind power conflict in Bohnheim is emotionally charged, highlighting the issue's importance to the community. Stakeholders are divided over environmental priorities: proponents of renewable energy see it as essential, while opponents fear its impact on biodiversity, health, and local life. Tensions around financial stakes also add to the emotional intensity. This emotional energy can be a resource for conflict resolution. Strong emotions can foster solidarity and collective action. By engaging stakeholders in structured forums to express and exchange these emotions, their concerns can be transformed into cooperative efforts, promoting inclusive solutions that balance renewable energy goals with biodiversity protection (Bramsen & Poder 2018).

The stakeholder perspectives in this analysis align with typical attitudes in the wind power expansion conflict, as evidenced by related research. Weber et al. (2017) found dissent against wind power mainly in rural areas in their Germany-wide study on conflicts surrounding Germany's Energiewende. Effective communication, citizen participation, and addressing emotional concerns emerged as crucial, mirroring findings in this paper. This pattern extends internationally. Koelmana and Hartmann's (2022) study on wind turbine policy in the Netherlands highlights the neglect of local issues in overarching government policies, leading to emotional resistance. Frantál et al. (2023) in Spain and the Czech Republic identified conflict components related to landscape and wind energy, proposing a typology of conflicts from neighbour disputes (e.g., the allocation of financial benefits versus the perceived burden of visual impact) to hierarchical power conflicts (e.g., preferences of the local population conflicting with national legislations). Lindvall's (2023) findings in Sweden emphasise

perceptions of distributive injustice due to uneven wind power deployment, suggesting formal compensation schemes. In Brazil, Brannstrom et al. (2022) emphasise community consultations and profit-sharing for local wind power acceptance, reflecting concerns about transparent contracts and environmental impact. Similar land rights conflicts in Kenya reveal opposition from Indigenous communities facing encroachments on their lands. Kavilu (2021) stresses the importance of respecting local land rights, involving communities, and formulating policies. Despite wind energy growth, these conflicts highlight the challenges of balancing expansion with community protection and rights, emphasising the need for a just transition.

## 7. Conclusion

The issue of expanding wind power in Bohnheim is a complex conflict with a long history. Legal norms like the EEG or BauGB shape the framework and dictate wind power's privileged status and state support. Every municipality has at least the official possibility of controlling the spatial realisation of this by means of an FNP. Due to morphological factors, Bohnheim sees an above-average amount of wind power compared to other regions, leading to discussions about turbine numbers, ecological impact, and management by the district, municipality, companies, and courts.

All in all, some conflicting parties' positions, interests, and needs were identified. This way, it became apparent that (as hypothesised in Chapter 4.1) actors with contradictory positions occasionally share the same underlying needs, further proving the usability of the conflict onion. Examples include environmental protection and acting based on the rule of law, serving as resources for conflict transformation. Additionally, the will-

ingness of all parties to engage in dialogue and the question of which conflicts can be meaningfully resolved in Bohnheim and which should be addressed on a national level might benefit conflict transformation.

In the course of rapid climate change, conflicts over the use of land in general, but especially related to renewable energies, increasingly appear on a global scale – tackling slightly different themes. Still, everything is tied to social interests, and the needs of people are instantly affected. The following learnings from this paper help transform these conflicts from a destructive to a constructive<sup>3</sup> and beneficial level beyond Bohnheim and Germany:

- **Positions ≠ need:** Behind opposing positions frequently lie similar needs.
- **Outsource conflicts that are to be addressed elsewhere:** If people are diversely advantaged or disadvantaged by the implementation of regulations, they tend to fight over the latter, even though changing these does not lie in their scope of power. These discussions should be outsourced, and criticism should be addressed to the decision-making bodies drafting these regulations, e.g., the national political level.
- **Emotionality versus rationality:** If a conflict builds on a long history and affects people's identities, values or lives, it tends to get emotional, leading to actors occasionally losing sight of the topic but

<sup>3</sup> Kriesberg (1998) defines constructive conflicts as those that lead to stable, positive outcomes, fostering closer relationships and generating more benefits than harm, often achieved through cooperative, problem-solving approaches. In contrast, destructive conflicts are marked by escalating harm, increasing mistrust, and deepening inequalities, resulting in unstable and often prolonged disputes.

focusing on fighting one another. Like in Bohnheim, these emotions should be addressed through conflict resolution and mediation, rather than just discussing the conflict theme itself.

- **Emotionality as a resource:** When a conflict involves strong emotions, it indicates that people care deeply about the issue and feel responsible for it. This emotional energy can be redirected into participatory development, encouraging community involvement in finding solutions. For instance, in concerns over wind power expansion, residents' emotional investment can be harnessed to create community forums where they express their worries, share ideas, and collaborate with stakeholders. This process addresses their fears and fosters a sense of ownership over environmental protection efforts, leading to more sustainable and accepted outcomes.
- **Participation is key:** If peoples' interests and needs are considered and preferably addressed in decisions that affect them (in this case, even their homes)—or if they even profit from it—tensions ease. Hence, national regulations should consider not only the environmental impact but equally the social one. Furthermore, the discrepancy between cities that 'decide' and municipalities that 'implement' needs to be addressed.
- **Differentiating lines of conflict:** If different thematic lines on conflict are revealed (e.g., formal/informal, administrative), conflict transformation can be structured along these, helping to grasp and handle sensitive contexts.

Further investigation is seen as extremely useful—not least because this

is a dynamic and ongoing conflict whose continuous scientific monitoring and analysis can promote constructive processing. In addition, wind power conflicts occur in many (German) municipalities. An intermunicipal (scientific) exchange can, therefore, be beneficial.

Finally, it should be emphasised that the conflict surrounding the expansion of wind power in Bohnheim is not only an obstacle but also a unique opportunity for the development of the municipality and beyond. The interviewees emphasised that it offers space for a debate on topics relevant to the future, one's own (party-political) values and behaviour, and the community and its structures. People are mobilised to stand up for their values publicly and politically and to learn how to discuss issues objectively. The conflict offers a learning environment, especially for young people, to try out democratic behaviour and endure conflicts. Wilhelm Weber commented, "[...] that people were prepared to exchange ideas, I think that's good and that actually gives us hope. And that is something positive."



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## Appendix: Interview guide

### Conflict profile

- What is the conflict about from your perspective? (5min)
  1. Wind power in general?
  2. Land use plan?
  3. When did the conflict begin? Why?
  4. What were the 5 most important events?
  5. Who is involved?
  6. What are the causes of the conflict? Structural (laws / politics etc.)? Direct causes (who started it in the community?)
- Dynamics
  1. How has the conflict developed recently?
  2. What new (this year) developments can be noted? (e.g. SFNP)

### Role of the interviewee

- What role do you play in the conflict?
  1. Why are you involved? As who?
  2. What are your duties / tasks?
- Best-case scenario: If you could decide how to proceed with wind power in Borchten, what would it look like? Why?
- What interests are you pursuing?
  1. Why is this important to you?
  2. What power/possibilities do you have to enforce this idea?
  3. To what extent does the conflict affect you a) professionally b) personally?
  4. To what extent does the conflict represent an obstacle for you?
  5. Are there any positive aspects to the conflict?

### Local politics

- How is the council dealing with the wind power conflict?
- How do you like local politics in Borchten in general?
  1. Is there anything that particularly annoys you in Borchten politics? If so, what & why?
  2. What do you particularly like?
- How can you get involved in local development and have a say?
- What was better / worse in Borchten in the past?

- What do you enjoy in the village community? What annoys you?
- What would you like to change?

### **Other stakeholders**

- What is your relationship to the other stakeholders?
- What interests do they pursue and why?
  1. To what extent are there overlaps in terms of interests and actions?
  2. To what extent are there differences?
- What do you want from the other actors?
- Who mobilizes whom and how?

### **Outlook**

- Do you have a vision for the future of Borchten? What do you think will happen here in 5 or 20 years?
- How do you feel about the energy supply in the future?
- In your opinion, is there anything that could help to resolve the conflict?

# The Relational Approach in Humanitarian Negotiations and the Uncertainty Reduction of armed Counter Parts on the Front Lines: Critical Analysis of current Policy

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Online publication date: 20. November 2024

<https://doi.org/10.70714/81dh3h65>

ISSN (online) 3042-5913

## Abstract

Humanitarian negotiations in frontline conflict zones involve significant challenges, including high uncertainty and complex power dynamics. Current policies emphasize the relational approach, which focuses on building relationships to improve negotiator effectiveness and achieve positive outcomes. Despite recent updates, scholarly literature highlights ongoing issues of security and mistrust, which impede initial uncertainty reduction. This study examines gaps in existing policies regarding the initial interactions with armed counterparts and offers practical recommendations for improvement.

Using a qualitative desk literature review, this paper analyzes five policy manuals and relevant experiences through the lens of the Uncertainty Reduction Theory (URT) of interpersonal communication. The analysis focuses on seven URT axioms: verbal communication, nonverbal expressiveness, information seeking, intimacy levels, reciprocity, similarity, and liking. The URT's framework is well-suited for analyzing communication between strangers, which mirrors the context faced by humanitarian negotiators. Additionally, URT's emphasis on fostering future relationships complements the relational approach advocated in humanitarian negotiations.

Findings reveal several areas lacking sufficient guidance. Notably, the current policy does not sufficiently address strategies to enhance the predictability of verbal communication—a critical URT principle for trust-building and uncertainty reduction. Moreover, there is an absence of guidance on culturally sensitive nonverbal gestures. The policy also lacks strategies for safely obtaining non-sensitive information from armed actors and offers incomplete advice on avoiding overly personal relationships.

Based on these findings, three practical recommendations are proposed. First, adopting URT's "predictability method" for verbal communication to enhance clarity and manage expectations. Second, practicing "reciprocity in information sharing" for obtaining non-sensitive information. Finally, setting boundaries by avoiding high-level intimacy in conversations is emphasized to prevent the development of inappropriate emotional bonds.<sup>1</sup>

## Biography

Marwan Taher is a humanitarian practitioner with a medical background and over a decade in public health interventions. Since 2013, he has worked with Médecins Sans Frontières (MSF) and, since 2021, as a Project Coordinator, negotiating access with armed actors in challenging environments, including Yemen, Cameroon, Thailand-Myanmar, and Sudan.

<sup>1</sup> Submitted to the University of Manchester for the MSc in Humanitarian Practice in the Faculty of Humanities; School of Arts, Languages and Culture in 2023. academic advisor and mentor Dr Jessica R. Hawkins

## 1. Introduction

Humanitarian negotiation is crucial for ensuring access to beneficiaries in conflict and rapidly evolving settings. However, aid organizations still face challenges when negotiating with armed actors in conflict zones. The International Committee of the Red Cross (ICRC) highlights the difficulties humanitarians encounter with Non-State Armed Groups (NSAGs) regarding aid access and protection (ICRC, 2021). This challenge will likely persist due to the increasing number of armed groups, many of which have emerged in the past decade (McQuinn et al., 2021).

In response, humanitarian negotiation policy has adopted a relational approach to improve negotiators' effectiveness in frontline negotiations. This strategy encourages building professional relationships with armed counterparts during field engagement (Toole, 2001; CCHN, 2019). Crucially, these relationships should remain professional, avoiding overly close personal bonds to remain in control of the development and evolution of the relationships. (Mancini-Griffoli & Picot, 2004; Grace, 2020).

Building relationships typically involves direct interpersonal communication to reduce uncertainty. However, understanding the armed counterparts' needs, interests, and culture presents significant challenges in conflict contexts (Grace, 2015; Baconnet, 2017). Factors contributing to this challenge include expressions of mistrust and aggression towards humanitarians (Grace, 2015a), limited information sharing by armed counterparts (Mancini-Griffoli & Picot, 2004), a lack of negotiation skills (Baconnet, 2017), and time constraints (Jackson, 2014; Toole, 2001). Despite these challenges, there is limited research on the best and safest ways to interact and seek in-

formation during relationship-building, as well as on how negotiators can cultivate strong professional relationships with armed actors while establishing clear boundaries.

This research assumes a gap exists in humanitarian negotiation policy manuals that can be addressed. The research question guiding this study is: What gap exists between humanitarian negotiation policy and the practical realities of overcoming uncertainty about armed counterparts during the initial communication phase when building a professional relationship? The aim is to refine humanitarian negotiation theory to guide frontline negotiators better, thereby improving outcomes. To achieve this, the study will first examine the characteristics of humanitarian negotiations in frontline environments and emphasize the importance of the relational approach by drawing upon relevant literature. Next, it will critique existing humanitarian negotiation manuals and guidelines to assess their effectiveness in overcoming uncertainty during the initial relationship-building phase. This analysis will be compared with the reported practices of negotiators as documented in the available literature. Finally, the study will propose recommendations to address identified gaps in policy guidance.

## 2. Methodology

This study employs a qualitative approach, critically examining scholarly publications, grey literature, manuals, and guidelines published over the past three decades. The core analysis involves examining existing humanitarian negotiation policies and relevant documented experiences through the lens of the Uncertainty Reduction Theory (URT) (Berger & Calabrese, 1975). This analysis evaluates how current policy addresses overcoming uncertainty and explores past experiences,

focusing on negotiators' initial interactions with NSAGs as they relate to the URT's seven propositions. The URT's focus on the initial phase aligns closely with the research interest, making it the excellent analytical framework for this study.

Five policy guidelines on humanitarian negotiation, the only publicly available manuals on the topic, were selected for analysis. These include publications from the HD Centre on Humanitarian Dialogue (Mancini-Griffoli & Picot, 2004), the Office for the Coordination of Humanitarian Affairs (McHugh & Bessler, 2006), Conflict Dynamics International (CDI, 2017), Mercy Corps (2018), and the Centre of Competence on Humanitarian Negotiation (CCHN, 2019). Case studies were selected from a list provided by Clements (2019) in his doctoral thesis, focusing on online-accessible examples.

The University of Manchester Ethics Decision Tool assessment indicated that this research does not require formal ethical approval, as it relies solely on a desk literature review and avoids fieldwork or interviews. However, the study faces limitations due to the availability of literature and case studies on humanitarian negotiations in dynamic contexts with armed actors, likely due to the confidentiality maintained in sensitive negotiations.

The researcher, with over ten years of experience in humanitarian coordination and management roles, including negotiation with armed actors primarily through Médecins Sans Frontières (MSF), brings a deep understanding of the unique value of humanitarian negotiations for beneficiaries. Since 2017, the researcher has undergone intensive training in humanitarian negotiation, including courses at the Geneva Centre of Humanitarian Stud-

ies (CERAH), CCHN, and a Peer Workshop on Humanitarian Negotiation.

### **3. Humanitarian Negotiations in Rapidly Evolving Contexts**

This chapter examines the unique characteristics of humanitarian negotiations within dynamic conflict environments and explores the importance of building relationships with armed actors in such contexts.

#### **3.1 Characteristics of Frontline Negotiations**

The literature identifies distinct characteristics of humanitarian negotiations on the frontlines. One key aspect is the necessity for engagement with all parties involved in the conflict, including NSAGs (Jackson, 2014). While direct engagement with armed groups can facilitate aid access for the populations they govern, it also poses security and legal risks and can jeopardize relationships with state actors (Grace, 2015a). Therefore, negotiators must gain an in-depth understanding of the culture, background, history, structure, and perspectives of both state and non-state armed groups before engaging.

Another characteristic is power asymmetry, where humanitarians negotiate from a weaker position due to their lack of enforcement mechanisms (Clements, 2019; Herrero, 2014). In contrast, state and NSAG counterparts possess greater bargaining power through control tools such as armed forces. Clements (2019) proposes six tactics to overcome this asymmetry: persuasion, commitment and coalitions, trust and reputation building, mobilizing third parties, utilizing negotiation linkages, and altering alternatives. Negotiators can effectively apply these tactics by analyzing interlocutors' identity, behavior, and culture.



Frontline negotiations also involve parties with divergent interests and motives (Herrero, 2014; Baconnet, 2017; Grace, 2020). Armed actors often seek political, military, or financial gains, while humanitarian actors prioritize access to vulnerable populations and addressing essential needs (Baconnet, 2017). This necessitates tailoring negotiation strategies to accommodate these contrasting interests. Humanitarian negotiators can effectively brainstorm collaborative solutions by analyzing their own and their counterparts' interests (Slim, 2003; Herrero, 2014).

Negotiators must adapt to the complex realities of conflict settings by developing a comprehensive understanding of the multicultural environment in which negotiations occur and leveraging this understanding to build trust and relationships with counterparts, which is crucial for achieving optimal outcomes (CCHN, 2019).

### 3.2 The Relational Approach in Humanitarian Negotiations

Scholarship increasingly recognizes the value of building relationships with armed actors. Establishing longstanding relationships is a core process that distinguishes humanitarian negotiations from political and commercial negotiations (Toole, 2001). Jackson (2014: 3) reinforces this, stating, "[h]umanitarian negotiations are most successful when aid agencies develop relationships with armed actors at all levels." Baconnet (2017) also emphasizes the importance of early engagement, noting that trust-building with armed groups requires time and ongoing dialogue.

Toole's seminal research on humanitarian negotiation posits that relationships serve as "a process through which" negotiators interact effectively with interlocutors (Toole, 2001: 6). Grace (2015b) argues that long-term

relationships enable a shift from competitive to collaborative problem-solving. Establishing connections creates a conducive environment, potentially mitigating pre-existing negative perceptions of humanitarian work or negotiators themselves (Grace, 2015b). In other words, trust fosters cooperation and can transform hardliners into more amenable counterparts. This aligns with Slim's (2003) emphasis on persuasion, where understanding needs and building relationships are fundamental aspects of humanitarian negotiation strategies. Additionally, established relationships and acceptance facilitate principled or integrative negotiation approaches, leading to more sustainable solutions (Grace, 2015b).

However, humanitarian research also acknowledges potential drawbacks of the relational approach. Grace (2015, 2020) and Baconnet (2017) caution against developing overly close personal bonds, highlighting the potential negative consequences. In his analysis of humanitarian negotiation's social capital, Grace (2020) emphasizes the crucial skill of "not only to develop but also to set boundaries around the relationships that one forges with counterparts in the field." While the literature acknowledges the downsides of close relationships, limited analysis exists on how negotiators can effectively manage and control the relationship-building process.

In conclusion, while fostering trust, mitigating negativity, and encouraging collaboration are clear benefits, maintaining boundaries is essential to prevent compromising situations and ensure the negotiator's safety. Though gaining traction and embedded in current policy, the relational approach remains a complex and evolving strategy.

### 3.3 The Policy of Humanitarian Negotiations

The policy of humanitarian negotiation has developed significantly over the past three decades, beginning with initiatives to professionalize the field by establishing research and training institutions. These efforts led to the creation of various guidance manuals, forming the foundational body of humanitarian negotiation policy (Grace, 2020). Literature on humanitarian negotiation has reviewed these guidelines, highlighting gaps and recommending improvements.

For example, critiques reveal a divide between current policy and the actual practices of field negotiators. Grace's research indicates that humanitarian negotiators' perspectives do not always align with the conceptual definitions provided in policy documents (Grace, 2020). Additionally, there is a noted gap concerning adherence to humanitarian principles, with evidence suggesting that these principles play a less significant role in practice than policy literature recommends (Grace, 2015a; Clements, 2019). This discrepancy is particularly evident in complex contexts where ethical compromises are sometimes necessary to gain access. Continuous policy refinement, incorporation of best practices, and acknowledgement of potential pitfalls are essential.

This paper also identifies a theoretical gap in current guidelines, particularly in addressing uncertainty about counterparts during the initial phase of interactions aimed at building relationships. To explore this issue, the paper employs the Uncertainty Reduction Theory, a prominent interpersonal communication theory discussed in the next chapter.

### 4. Conceptual Framework: The Uncertainty Reduction Theory (URT)

This chapter examines the Uncertainty Reduction Theory (URT) by Berger and Calabrese (1975) as a framework for analyzing the communication between humanitarian negotiators and armed actors. URT focuses on reducing uncertainty through key elements such as verbal and nonverbal communication, information exchange, and building rapport, making it applicable to humanitarian negotiation contexts.

Beard (2015) questions the applicability of URT beyond Western contexts, but its successful use in regions like Africa, the Middle East, and Asia suggests broader relevance. For example, Çullu (2024) applied URT in Turkey to understand how cruise consumers adapted to new technologies. In Indonesia, Oktavianti and Loisa (2020) found that fostering friendships in small groups helped reduce uncertainty among first-semester students. Similarly, Kozman (2021) studied the role of interpersonal communication in managing uncertainty among displaced Syrians. Omoke (2015) highlighted URT's importance in intercultural communication within Kenya's Dadaab Refugee Camp. These cases illustrate the theory's adaptability to diverse cultural settings.

While Beard (2015) also notes the predominance of quantitative studies, recommending more qualitative research, this study addresses that gap by applying URT to qualitative sources. URT is particularly suited for this research because it addresses the core challenge of reducing uncertainty during initial interactions. Its structure mirrors the experience of humanitarian negotiators engaging with unfamiliar armed actors, providing a systematic approach to relationship-building in complex environments. The following chapter will utilize URT's

seven axioms to analyze existing policies and identify gaps in managing initial interactions between negotiators and armed actors.

#### **4. Analysis**

The research findings reveal significant gaps in current humanitarian negotiation policy regarding explicit guidance for frontline negotiators on navigating initial interactions with armed actors to reduce uncertainty. Additionally, the review of fourteen case studies yielded limited information on the specific nature of interactions during this phase.

However, the analysis of five policy guidelines against URT's seven variables identified 49 relevant pieces of advice applicable to the entry phase of interpersonal communication. Despite this, no explicit recommendations exist for implementing these during initial meetings. It's important to note that repeated advice within a single guideline was not counted due to the qualitative nature of the study, as frequency does not directly contribute to answering the research question (see Table 1).

<b>Variable/ Axiom</b>	<b>Verbal communication</b>	<b>Non-verbal affiliative expressiveness</b>	<b>Information- seeking behaviour</b>	<b>Intimacy level</b>	<b>Reciprocity</b>	<b>Perceived similarity</b>	<b>Liking</b>
<b>Guidelines/ Case Studies</b>							
<i>Humanitarian Negotiation - A handbook for securing access, assistance and protection for civilians in armed conflict - Centre for Humanitarian Dialogue.</i> <i>(Mancini-Griffoli &amp; Picot, 2004)</i>	<b>4</b> <i>pieces of advice</i>	<b>3</b> <i>pieces of advice</i>	<b>1</b> <i>pieces of advice</i>	<b>2</b> <i>pieces of advice</i>	<b>2</b> <i>pieces of advice</i>	<b>2</b> <i>pieces of advice</i>	<b>1</b> <i>pieces of advice</i>
<i>Manual for Practitioners on Humanitarian Negotiation with Armed Groups.</i> <i>(Hugh &amp; Bessler, 2006)</i>	<b>4</b> <i>pieces of advice</i>	<b>1</b> <i>pieces of advice</i>	<b>Gap</b>	<b>Gap</b>	<b>Gap</b>	<b>1</b> <i>pieces of advice</i>	<b>Gap</b>
<i>Negotiating Humanitarian Access: Guidance for Humanitarian Negotiators</i> <i>(CDI, 2017)</i>	<b>3</b> <i>pieces of advice</i>	<b>3</b> <i>pieces of advice</i>	<b>Gap</b>	<b>Gap</b>	<b>Gap</b>	<b>2</b> <i>pieces of advice</i>	<b>Gap</b>
<i>PLAYBOOK: Negotiating for Humanitarian Access</i> <i>(Mercy Corps, 2018)</i>	<b>1</b> <i>pieces of advice</i>	<b>1</b> <i>pieces of advice</i>	<b>2</b> <i>pieces of advice</i>	<b>Gap</b>	<b>3</b> <i>pieces of advice</i>	<b>2</b> <i>pieces of advice</i>	<b>Gap</b>
<i>CCHN Field Manual on Frontline Humanitarian Negotiation</i> <i>(CCHN, 2019)</i>	<b>4</b> <i>pieces of advice</i>	<b>3</b> <i>pieces of advice</i>	<b>1</b> <i>pieces of advice</i>	<b>2</b> <i>pieces of advice</i>	<b>Gap</b>	<b>3</b> <i>pieces of advice</i>	<b>Gap</b>

Table 1: Outcomes of examining the policy against the seven axioms of the URT. Own table.

#### 4.1 Verbal communication

URT emphasizes that verbal communication plays a crucial role in reducing uncertainty during initial interactions, as individuals form and refine predictions about each other's behaviour through continuous communication (Berger & Calabrese, 1975). This iterative process highlights the importance of sustained verbal exchanges, which gradually decrease uncertainties.

Humanitarian negotiators similarly engage in ongoing verbal communication with armed actors to build relationships (Baconnet, 2017). However, operating in conflict zones necessitates cautious communication to avoid missteps. Negotiators who reduce uncertainty about counterparts can formulate meticulously crafted arguments and counterarguments while minimizing surprises (Roeder & Simard, 2013). Recent research suggests that negotiators initially rely on stereotypes to predict behavior, later refining these predictions based on new information (Alsalem & Grace, 2021). Recognizing the limitations of stereotyping, this research underscores the need for improved prediction skills among frontline negotiators.

Humanitarian negotiation policy addresses both aspects of verbal communication: frequency and predictability. Manuals emphasize the importance of sustained communication, recommending regular meetings "not only when something is requested or a problem arises" (CDI, 2017: 6). The policy also stresses the importance of predictability in communication. The earliest manual advises negotiators to understand counterparts' character to "anticipate what they will do next" (Mancini-Griffoli & Picot, 2004: 54). However, the policy lacks tools for predictability that align with URT's logical sequence of verbal communic-

ation components during initial interactions, a discrepancy explored further in 5. Discussion.

#### 4.2 Non-verbal affiliative expressiveness

URT posits that increasing non-verbal gestures during the entry phase of interpersonal communication helps decrease uncertainty and build relationships (Berger & Calabrese, 1975).

Case studies support this, as one humanitarian negotiator in Congo noted:

*"[t]hey observe and interpret every move or gesture you make, [...] gestures, here too, can speak louder than words. The moment Lendu detect[s] that you put yourself above them, the relationship sours very quickly"*

*(Pottier, 2006: 172)*

Furthermore, field experiences emphasize the importance of negotiators being aware of culturally sensitive nonverbal gestures. For example, negotiation practitioners must play a respectful role and learn culturally specific gestures: "[y]our first meeting is always role-playing. [...] That's how it goes initially," and "[c]ultural awareness is key, and it's actually not necessarily outward stuff, very visible stuff, like not shaking hands with women" (Grace, 2020: 28-29). Therefore, any failure to practice positive non-verbal expressiveness could significantly impact the course of frontline negotiations:

*"[p]eople [armed actors] aren't going to agree with someone that they think is shift and evasive. You have to develop those skills of being able to project that confidence and generate enthusiasm"*

*(Grace, 2017:16)*

These examples illustrate the need for negotiators to adapt their gestures

and posture based on the local cultural context to avoid inadvertently undermining trust and rapport.

While the policy lacks explicit links to initial interactions, it acknowledges the value of body language in contributing to “effective communication” (CDI, 2017: 8) and notes that it “can easily betray opposing feelings and discourage dialogue” (CCHN, 2019: 161). Manuals emphasize active listening as a critical skill (Mancini-Griffoli & Picot, 2004; CDI, 2017; CCHN, 2019) and provide examples of positive nonverbal cues, such as smiling, making eye contact, and showing empathy. However, specific guidance on gestures tailored to different contexts and cultures is absent from the policy.

#### 4.3 Information seeking about counterparts

URT posits that individuals engaged in initial interactions naturally seek information to reduce uncertainty. The theory assumes that only questions (mostly personal) requiring short answers are suitable for information-seeking at this level of relationship building (Berger & Calabrese, 1975). However, this may not apply directly in the security-sensitive context of humanitarian negotiations with armed actors.

Documented negotiations lack specific references to seeking personal information in the entry phase, as case studies highlight the inherent insecurity and mistrust in such interactions in volatile environments (Jackson, 2014; Belliveau, 2015). Direct personal questions about armed counterparts during this initial stage could be perceived as intrusive and raise security concerns, potentially jeopardizing negotiations.

Acknowledging these complexities, humanitarian negotiation policy

avoids recommending personal questions about career, birthplace, or family. Instead, the manuals emphasize inquiries related to the counterpart’s goals, interests, and concerns within the context of humanitarian work (Mercy Corps, 2018). For example, questions like “[w]hat are your goals when it comes to coordinating humanitarian activities?” (Mercy Corps, 2018: 15), which require more than a short answer, provide valuable information for reducing uncertainty.

The policy also encourages smart questions that foster rapport, such as “[h]ow can we work together so that you have the information you need to promote effective coordination?” (Mercy Corps, 2018: 15). This approach benefits relationship-building with armed actors by seeking professional information that builds common ground.

#### 4.4 Intimacy Level and Reciprocity in Communication Content

URT suggests a link between uncertainty levels and communication intimacy. High uncertainty tends to result in low-intimacy discussions, focusing on neutral topics like hobbies, while lower uncertainty can lead to more intimate exchanges, such as discussions on political or religious views (Berger & Calabrese, 1975).

However, this theoretical progression raises significant concerns in the context of humanitarian negotiations, where excessive closeness between negotiators and armed leaders could compromise professional boundaries and lead to ethical dilemmas. A case study from the UNHCR’s operations in Bosnia illustrates this risk:

*“[i]n the process [of building relationships with armed actors], friendships were established, with varying degrees of intimacy. In many situations, staff became reluctant to challen-*

*ge these authorities and to be seen as being 'confrontational'"*

*(Grace, 2020:8)*

This indicates that the personal rapport developed with armed actors can make negotiators hesitant to maintain a firm stance when necessary, potentially compromising their professional integrity. Another case emphasizes even more severe consequences of this dynamic:

*"[w]hen they feel that, because they have a [strong] relationship with you, they can basically ask anything—to the point that another counterpart in the authority was almost hinting, basically actually asking for a bribe"*

*(Grace, 2020:29)*

This example shows that moving beyond professional boundaries can lead to inappropriate demands, undermining the negotiator's role and the humanitarian principles they aim to uphold.

While policy documents acknowledge these risks, they offer limited guidance on maintaining professional distance. Manuals like those by Mancini-Griffoli & Picot (2004) and CCHN (2019) suggest recognizing, but not necessarily endorsing or disregarding, the emotions of counterparts. They also recommend discussing low-intimacy topics such as "sports, food, or music" to build rapport without crossing into sensitive territory (CCHN, 2019). This indicates a need for more explicit and practical strategies on balancing rapport-building with maintaining professional distance.

URT also highlights the importance of reciprocity—exchanging similar types of information—during initial interactions (Berger & Calabrese, 1975). While this is seen as key to reducing uncertainty, its application in human-

itarian negotiations is not well documented, possibly due to reporting challenges. Some manuals, like that of Mancini-Griffoli & Picot (2004), note that reciprocity may be difficult when interactions start under hostile conditions. Yet, they acknowledge that reciprocity can gradually foster trust: "it may be a sign of increasing trust, if he/she starts sharing information about him or herself at a later date" (Mancini-Griffoli & Picot, 2004: 53).

Conversely, Mercy Corps' "Playground: Negotiating for Humanitarian Access" (2018) promotes a more proactive approach by encouraging negotiators to share regular updates to cultivate reciprocal exchanges. This strategy emphasizes sharing non-sensitive information such as organizational activities and aid plans, thus creating a foundation of mutual trust. The potential of low-intimacy reciprocity to build trust and enhance information exchange underscores its importance in improving relationships with armed counterparts—a concept explored further in the discussion chapter.

#### **4.5 Similarity and Liking between both sides**

URT suggests that attitudinal and conceptual similarities between individuals can foster attraction and reduce uncertainty, while dissimilarities increase ambiguity (Berger & Calabrese, 1975). This principle is particularly relevant in humanitarian negotiations, even when significant differences exist between humanitarian leaders and armed actors. Identifying minimal common ground remains essential, as both policy and field experiences highlight the value of shared points of reference. For example, ICRC negotiators often reference "local customs, beliefs, and traditions, where they overlap with IHL" (ICRC, 2021: 9) to build trust during initial interactions with NSAGs.

Humanitarian negotiation manuals also emphasize leveraging similarities. The CCHN manual provides tools like the “Island of Agreement” to help negotiators find common ground despite potential divergences (CCHN, 2019). Mercy Corps’ approach includes focusing on more visible traits, such as “showing familiar faces” and considering shared attributes like “age, ethnicity, religion, sex, and ability” to build rapport (Mercy Corps, 2018: 10).

Although liking may develop naturally through the application of URT principles like similarity, there is a need for specific guidance on managing this aspect to maintain professional boundaries. Addressing how negotiators can prevent the shift from respect to personal affinity will be further explored in the next chapter, focusing on the interaction of URT axioms in humanitarian negotiations.

## 5. Discussion

This paper argues that the humanitarian sector can enhance negotiation outcomes by reducing uncertainty about armed actor counterparts and managing rapport-building effectively. Addressing gaps in existing policies and incorporating practical communication guidance for initial meetings are vital strategies. To achieve this, the paper proposes three specific areas for policy improvement.

First, it emphasizes the need for a theoretical foundation in humanitarian negotiation that highlights the importance of predictability in building relationships with armed actors. According to the URT, predictability can be developed through a four-step verbal communication method: proactively predicting the counterpart’s reactions, communicating based on these predictions to elicit positive responses, analyzing the counterpart’s behavior to understand their reactions, and

refining predictions to adapt future communication. Mastering this cycle reduces uncertainty and improves communication during the entry phase. However, current policies lack the tools to implement these four sequential steps, underscoring the need for new guidelines that address this gap. Therefore, the study designs a practical tool based on these four-step verbal communication method outlined by URT. The goal of this tool is to assist humanitarian negotiators in improving predictability during initial meetings with armed actors.



## Predictability Tool for Humanitarian Negotiators

Step	Action	Guiding Questions / Prompts	Example
<p><b>Step 1:</b></p> <p><i>Proactively predict Reactions</i></p>	<p><i>Develop potential predictions about the counterpart's reactions based on stereotypical information (e.g. Cultural context, past behavior.</i></p>	<ul style="list-style-type: none"> <li>• <i>What are the potential concerns or interests of this actor?</i></li> <li>• <i>What has been their past response to similar negotiations?</i></li> <li>• <i>What is the cultural or historical background that may influence their reactions?</i></li> </ul>	<p><b>Prediction:</b></p> <p><i>The actor may resist discussing political topics due to previous distrust of external agencies.</i></p>
<p><b>Step 2:</b></p> <p><i>Communicate based on Predictions</i></p>	<p><i>Tailor your communication to elicit positive responses by addressing their likely concerns or interests.</i></p>	<ul style="list-style-type: none"> <li>• <i>How can I frame my proposal to align with their interests?</i></li> <li>• <i>How can I avoid triggering potential resistance or distrust?</i></li> </ul>	<p><b>Communication:</b></p> <p><i>"We understand that ensuring aid access is critical for the community's stability. How can we help address the immediate needs?"</i></p>
<p><b>Step 3:</b></p> <p><i>Analyze Counterpart's Behaviour</i></p>	<p><i>Observe and assess the counterpart's verbal and non-verbal cues during and after communication to evaluate their responses</i></p>	<ul style="list-style-type: none"> <li>• <i>How is the actor reacting to my communication?</i></li> <li>• <i>Are there any unexpected verbal or non-verbal signs?</i></li> <li>• <i>What are they signaling through their questions or silence?</i></li> </ul>	<p><b>Analysis:</b></p> <p><i>The counterpart seems open to discussing community needs but becomes defensive when political topics are mentioned.</i></p>
<p><b>Step 4:</b></p> <p><i>Refine Prediction &amp; Adapt Communication</i></p>	<p><i>Based on the counterpart's behavior, refine your initial predictions and adjust future communication accordingly.</i></p>	<ul style="list-style-type: none"> <li>• <i>How can I adjust my approach to improve rapport and trust?</i></li> <li>• <i>What adjustments are needed to address emerging concerns or shifts in tone?</i></li> </ul>	<p><b>Refinement:</b></p> <p><i>Focus more on humanitarian needs and avoid politically sensitive topics for now, emphasizing shared goals around aid delivery.</i></p>

Table 2: Predictability Tool. Own table.

Second, the paper advocates incorporating the URT’s axiom – reciprocity of information sharing – into humanitarian negotiation policy. Reciprocity can be valuable for acquiring information and reducing uncertainty, especially in conflict zones where mistrust is prevalent. Negotiators can implement this strategy by preparing a list of desired non-sensitive personal or work-related information about the counterpart, sharing similar details about themselves during meetings, and anticipating that the counterpart will reciprocate with equivalent information. This selective self-disclosure fosters trust and encourages counterparts to share information, potentially proving more effective than direct questioning.

Third, the paper highlights the importance of controlling communication intimacy and similarity when establishing professional relationships with armed actors. Negotiators should avoid high-intimacy topics such as politics, religion, or sex, even as uncertainty decreases, and instead focus on low-intimacy topics like hobbies or basic personal demographics.

This approach helps maintain professional boundaries while fostering trust without deepening bonds unnecessarily. However, further research is needed to refine and categorize both low- and high-intimacy content in each specific humanitarian context, as no existing case studies currently define and compare these aspects of communication.

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Desired Information from Counterpart	Equivalent Information to Share	Reciprocity Technique
<i>Community Leadership &amp; Local Structures: Who are the key leaders or influencers supporting humanitarian efforts?</i>	<i>Engagement Practices: Explain how your organization collaborates with local communities and leaders.</i>	<i>Share how your organization engaged with local leaders in a previous project. For instance: "We often work closely with community leaders to ensure aid reaches the most vulnerable." Allow space for them to share their own leadership structures.</i>
<i>Non-Sensitive Personal Information: What are your hobbies or favorite sports teams?</i>	<i>Sharing Personal Interests: Mention non-sensitive personal interests (e.g., sports, hobbies, favorite local music).</i>	<i>Casually share your own interests: "I've been following the [local sports team] for a while; it seems like they have a strong following here." Leave space for the counterpart to share their own interests.</i>

Table 3: Reciprocity Tool. Own table.

## 6. Conclusion

This study contributes to the humanitarian sector's knowledge base by addressing critical challenges faced by negotiators in frontline environments. While humanitarian negotiations inherently require adaptability and nuance – particularly concerning engagement with diverse actors, power imbalances, and conflicting interests – this study emphasizes the importance of empowering field negotiators to manage relationship-building processes effectively. Using the seven variables of the URT, the study analyzes existing humanitarian negotiation policies, identifying gaps related to the relational approach, including the need for improved predictability, culturally appropriate gestures, methods for collecting non-sensitive information and maintaining appropriate professional boundaries.

Despite these gaps, current policies do provide valuable resources for field negotiators, with 49 applicable pieces of advice identified across five policy manuals for reducing uncertainty during initial engagements with armed actors. The study offers three practical recommendations for policy enhancement: adopting the URT's predictability method for verbal communication, implementing reciprocal information sharing as a strategy for acquiring non-sensitive personal information, and utilizing controlled interactions to avoid overly intimate relationships with armed actors. While the current findings are based on theoretical analysis and desk literature review, further empirical research is crucial to validate and refine these insights.

Conducting field studies and gathering data through interviews with experienced humanitarian negotiators would offer a deeper understanding of how these strategies function in practice, particularly in the complex environ-

ments of conflict zones. Such empirical evidence could complement the theoretical framework and also provide actionable recommendations for enhancing policy guidelines and improving negotiation outcomes in diverse real-world scenarios.

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# The Founding of the Institute for Global Negotiation

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Online publication date: 20. November 2024

<https://doi.org/10.70714/x7epr854>

ISSN (online) 3042-5913

## Abstract

This reflection chronicles the founding and evolution of the Institute for Global Negotiation, offering insights into the lessons learned along the way. Negotiation and mediation are essential tools for addressing conflict, yet few receive training to use them effectively. Through a personal narrative, the author explores key concepts in negotiation, including the fixed-pie bias, the insight-action gap, and the importance of preparation and self-reflection. The paper examines the foundational years of the Global Negotiation Conference (GNC), highlighting pivotal experiences such as navigating collaboration challenges, leveraging mentorship, and addressing the critical role of logistics and support networks. The transition from the GNC to the Institute for Global Negotiation underscores the significance of strategic planning and adaptability in overcoming unexpected setbacks, including the operational challenges posed by the COVID-19 pandemic. The reflection concludes with a set of actionable negotiation principles, emphasising preparation, active listening, adaptability, and the value of encouragement, advocating for negotiation as a means to tackle global challenges and foster a more equitable and sustainable future.

## Biography

Dr. Jack R. Williams is the President of the Institute for Global Negotiation a non-profit association based in Zurich that promotes and supports the use of negotiation as an essential tool in building a more equitable, peaceful, and sustainable world.

Jack teaches negotiation and conflict resolution widely including as an Adjunct Professor at Sciences Po Paris, Leuphana University Lüneburg and as an External Consultant in various programs for the United Nations Institute for Training and Research (UNITAR). Previously, Jack was an Assistant Professor of International Relations and Acting Dean of the College of International Studies at the American University of Kurdistan in Northern Iraq.

Jack received his PhD in Political Philosophy from the University of Zurich, during which time he was a visiting researcher at Princeton University. Jack has also worked as a Junior Research Fellow at the Institute of European and International Economic Law at the University of Bern as well as a Summer Academy and MILE Fellow at the World Trade Institute.

Jack is a CEDR-accredited mediator and volunteers as a neighbourhood mediator for Mediation Plus in the United Kingdom.



## 1. Introduction

Human history is a tapestry of cooperation and conflict. While the benefits of cooperation are triumphed, the necessity to resolve or minimise conflict, especially violent conflict, is a core concern of all societies (see Bercovitch et al. 2009). Amongst the methods societies use to address conflict, negotiation and mediation play a special role as, in contrast to processes like arbitration or judicial rulings, the parties to the dispute are not subject to the binding authority of a third party (Moore, 2014: 6). This ensures the conflict parties have ownership over the process whereby they can choose to accept or reject any outcome (see Zartman, 2009: 324 and Moore, 2014: 8). With conflict an inevitable part of human interaction, non-coercive ways to settle disputes, like negotiation and mediation, are therefore crucial tools to constructively deal with conflict from the individual to the global level.

Despite the prevalence of conflict in our daily lives, few of us are taught how to effectively negotiate. This can lead us to fall back upon unhelpful patterns when faced with conflict whereby we see the other party as an opponent with every gain for them a loss for us: the classic distributive mindset or fixed-pie bias (see Brett and Thompson, 2016: 70-71). Understanding and experiencing such cognitive biases and shifting towards an integrative or collaborative mindset has been at the core of negotiation research and training since Roger Fisher and William Ury published their seminal book *Getting to Yes* in 1981. However, many students – and even trainers – will leave a negotiation workshop armed with skills and techniques only to fall prey to the ‘insight-action’ gap, whereby understanding how to act doesn’t automatically mean we change our behaviour accordingly (see Hidden Brain, 2024).

One way to remedy this is by using tools that encourage self-reflection on how we approach negotiations and conflicts outside of the classroom (see Lempereur et al. 2010; Ade et al. 2018: 7). In this spirit, this article provides me with a chance to reflect on the establishment of the Institute for Global Negotiation, outlining the lessons I learned during the process and those I continue to relearn today.

## 2. The Start: Preparation

My journey into the world of negotiation started in 2012 during my time as a fresh-faced Junior Research Fellow at the Institute of European and International Economic Law at the University of Bern in Switzerland. The Chair of the Institute, Professor Thomas Cottier was asked to send a team to participate in an international negotiation competition for graduate students and he choose me as one of the members. The competition revolved around a commercial dispute with different student teams negotiating against one another over three rounds. At the time, Switzerland didn’t have a national competition, so our team had no need to traverse the rigours of qualification. Ashamedly, we even failed to organise a practice round: A novice error that still makes me blush, though we are far from alone in failing to rehearse negotiations (see Ury, 2007: 26-27). Apart from assiduously studying our assigned cases, I also prepared by borrowing Robert Mnookin’s (2010) ‘Bargaining with the Devil: When to Negotiate and When to Fight’ from the university library. In the book, Mnookin explores under what circumstances we should sit down and negotiate with our adversary and when we should resist. His vivid portrayal of those deciding whether to negotiate with the Nazi and Soviet regimes remains one of my favourite books on negotiation. As preparation for a student competition, whose tasks

consisted of negotiating a salary, film rights, and the loan of antique crockery, it was perhaps slightly over the top.

The competition program itself opened with a masterclass delivered by Mikkel Gudsøe, Honorary Associate Professor at Aarhus University and a long-time supporter of and Senior Fellow at the Institute for Global Negotiation. Mikkel covered a range of topics, but his reference to 'nose tip empathy' was a lightbulb moment for me. Mikkel described this form of empathy as occurring when we simply imagine ourselves in someone else's position without really understanding their perspective, reasoning, emotions, and identity. Years later, the former FBI negotiator Chris Voss coined the term 'tactical empathy' to describe 'paying attention to another human being, asking what they are feeling, and making a commitment to understand their world' (2016: 50). Activating empathy in this respect requires us to utilise all the interpersonal skills that are the foundation of negotiation and mediation, including active listening, questioning, and an openness to understand our counterpart (see Ben-Ezer et al. 2024).

I wish I could say that our team immediately applied these insights at the start of the competition, taking our time to explore with the other party, exchanging information and identifying their core interests. Unfortunately, this was not the case. In our first round, my partner and I were uncoordinated, flustered and focused on getting above our minimums rather than setting ambitious targets (see Barry and Friedman, 1998). Though we managed to secure a perfectly satisfactory agreement, at the debriefing we felt like we'd lost.

As the competition progressed, we grew increasingly more confident, and

I started to enjoy the adrenaline rush that accompanied each round. The format had all the factors that contribute to 'competitive arousal' and thus impair decision-making: i) rivalry, with each side eager to 'win' the competition; ii) social facilitation, provided by three expert judges watching our every move; and iii) time pressure, often the greatest factor in any negotiation (Ku et al. 2005). Anyone who has participated in a negotiation simulation or competition will know that these factors heighten our emotions, mimicking real-life conflicts and thus leave a far greater impression than simply learning theoretical concepts (Smolinski and Kesting, 2013). At the final dinner, my partner and I even heard rumours that we were in the running for one of the top spots. We weren't, but by the end of the competition I was convinced of the value of negotiation skills.

### **3. The Journey Continues: Utilising Alternatives**

I returned to Switzerland eager to deepen my understanding of negotiation. Fortunately, I was assigned to assist Professor Felix Addor's International Negotiations course at the University of Bern. Felix provided a tour de force of teaching, covering the necessary theoretical foundations and practical skills to conduct effective negotiations. I continually find myself reaching back to the tools he equipped us with during that course – often rediscovering them after periods of neglect – whether keeping a negotiation diary (see McAdoo, 2012), creating checklists (see Gawande, 2012) or using self-assessment tools to take on the perspective of our counterparts (see Stone et al. 2010). As Deputy Director General and General Counsel of the Swiss Federal Institute of Intellectual Property and Head of its Legal & International Affairs Division, Felix could also draw on his vast experience

of negotiations at the global level, an area in which I was particularly fascinated. Under his supervision, I created a multiparty simulation inspired by the creation of the Pandemic Influenza Preparedness (PIP) Framework and ever since have found the best way to understand an issue is to design a negotiation simulation based on it (see Druckman and Ebner, 2013).

Alongside assisting Felix's class, I also started work on creating a Swiss negotiation competition in partnership with a legal trainer who'd attended the international competition as a judge. The collaboration initially went well, and we successfully ran a workshop and competition where the team I coached won. However, I came to realise that our interests and work styles clashed. Our previously collaborative relationship deteriorated, with me contributing more than my equal share to the escalation of conflict. We didn't quite reach the ninth stage on Friedrich Glasl's famous conflict escalation model 'together into the abyss' – where the parties are willing to sacrifice themselves to destroy their opponent – but we certainly got close (Glasl, 2002). Attempting to hold things together, I ignored the central tenant of negotiation, that each party must feel ownership over any agreement, and tried to unilaterally create a solution I felt the other side would accept. My carefully proposed compromise was readily dismissed.

When crunch time came, I had to choose whether to continue to work on the project or to walk away and create something new. As I deliberated, I considered my underlying interests. They are easy to recall as I still have them today, namely to 1) deepen my understanding of the processes of negotiation from the individual to the global level, 2) address specific challenges facing the global community, and 3) connect

with lecturers and practitioners working in these two fields. I often caution students against rashly utilising their Best Alternative to a Negotiated Agreement (BATNA). For although alternatives are a powerful tool in any negotiation, our perception of them can be affected by the likelihood they are to occur – so-called 'phantom BATNAs' (Pinkley et al. 2019) – and similarly our tendency to overestimate the possibility of scenarios that benefit us (Bazerman & Neale 1982). In this case, the decision to utilise my alternative was easy. I walked away and turned instead to founding the Global Negotiation Conference.

#### **4. The Global Negotiation Conference: Influence and Logistics**

The initial aim of the Global Negotiation Conference (GNC) was to provide graduate students – especially me – with an opportunity to learn from practitioners and academics while applying what they learnt to negotiate a current global challenge. The program therefore included two days of workshops from an array of speakers before culminating in a day long multiparty simulation. Despite the seemingly simple design, there is always a certain naivety when launching such a project, with many good ideas never getting off the ground. I am certain that this fate would have befallen the GNC too if not for the support of Thomas Cottier and Felix Addor who enthusiastically backed the project from the conception. Again and again in this reflection moments that have stood out are when people have told me 'yes' or 'go for it' when 'no' or 'slow down' would have been easier. Their belief in the initiative, wise counsel, and encouragement helped me and a team of other alumni from Felix's class to press forward. It also reinforced within me the necessity of finding those who can support you when embarking on a project or negotiation process. Finding these

supporters has become my favourite stage of any negotiation and I love mapping out the parties to a negotiation, seeing how they relate to one another and determining how best to leverage influence (see Lax and Sebenius, 2006; CCHN and Bruderlein, 2019). Despite having strong supporters, this didn't mean the organisation of the first GNC went completely smoothly.

Nothing teaches you the value of the dictum that 'amateurs talk strategy, and professionals talk logistics' like organising a conference. The quote is attributed to U.S. General Omar Bradley, although the importance of logistics goes back to the Chinese General Sun Tzu holding just as true then as it does now. Ignoring the fundamentals like venue, timetable, refreshments, breakout rooms, printers and you are in trouble. Looking back through the organisational spreadsheet of the first GNC I remember the anxiety of trying to ensure that everything fell into place, from lunches and coffee to speakers' transport and accommodation. A fact heightened by the delicate financial position we were in to ensure we broke even.<sup>1</sup> Thankfully, a month prior to the conference, we received a confirmation of funding from the foundation Stiftung Mercator Schweiz. This transformed the balance sheet, allowing us to put our speakers in four-star hotels with scenic views overlooking the alps. After checking in at his hotel, one of the speakers commended me on the quality of the accommodation. I didn't mention that without the last-minute help, he'd have had a choice between my sofa and a bed at the local youth hostel.

## 5. The Emergence of an Institute: Opportunities and Setbacks

<sup>1</sup> Thomas Cottier had generously offered that his Chair would cover any shortfall in funds, but as a point of pride I wanted to show the conference could be self-sustaining.

After a successful first year, the GNC continued annually at the University of Bern, tackling the topics of pandemics, large movements of refugees, and private military and security companies. Then, for the fifth edition, we took the decision to relocate to Zurich. The move was spearheaded by Tobias W. Langenegger, who had attended the first GNC as a participant before returning as a speaker, co-organiser and then Co-President of the association. Tobi was completing his doctoral studies at the Chair of Negotiation and Conflict Management at ETH Zurich under former Swiss Secretary of Foreign Affairs Professor Michael Ambühl so this became a natural home for us. The shift to ETH Zurich saw the consolidation of the conference, including a longer program and the addition of a public keynote address, first delivered by Baroness Catherine Ashton, Former High Representative of the EU for Foreign Affairs and Security Policy. It also marked the first time Tobi and I started to jointly lead workshops, combining his knowledge of negotiation engineering with my interest in the role of respect and fairness.

As the GNC continued, Tobi and I started to discuss ways to reorganise and rebrand the structure of the association so we could expand our activities and projects. We were particularly excited about the chance of exploring the way negotiation is used to address environmental challenges as well as polarisation in societies. Our talks intensified in 2019 after both Tobi and I had completed our doctorates, and at the beginning of the summer, we again received the support of Stiftung Mercator Schweiz to help us embark on this next step. Buoyant, Tobi and I attended the International Association for Conflict Management annual conference in Dublin where we respectively presented on the role of sanctions and re-

spect in negotiations, before partying to Irish folk music at the conference dinner in the Guinness Factory. The week after Dublin we held another successful GNC and a month later, on the 22nd August 2019, Tobi passed away after an unexpected and unexplained complication of elective surgery.

In negotiation, we are told to prepare for the unexpected (Balachandra et al. 2005), but there are some things you simply can't anticipate. Tobi's death shattered any plans to restructure the GNC. Even the prospect of organising the following year's event felt overwhelming. I am eternally grateful to my PhD supervisor, Professor Francis Cheneval who at this time offered his unequivocal support and volunteered to host the GNC through his Chair of Political Philosophy at the University of Zurich, along with Maxime Schoch, a former colleague of Tobi's and GNC 2019 alumni, who assisted with the organisation of the following year's GNC. Though determined that the GNC should continue, I began to question how active a role I wanted to play going forward.

Ironically, it was the COVID-19 pandemic that offered a way for the restructuring of the GNC to proceed, albeit in a completely different way to how Tobi and I had envisaged. The pandemic forced the GNC online in 2020 and 2021, a fate shared by everything from family gatherings all the way up to the highest echelons of international diplomacy (see Bjola & Manor, 2022). This normalisation of video calls made it feasible to reconnect with GNC alumni and speakers scattered all over the world. My call for support in establishing the Institute for Global Negotiation was met with an instantaneous and overwhelmingly positive response from former participants and speakers too numerous to mention here. Amongst

them included Francis and Maxime joining the Board, while Baroness Catherine Ashton readily agreed to serve as Chair of the Advisory Council alongside Tobi's former doctoral supervisor and former Swiss State Secretary for Foreign Affairs Michael Ambrühl and later Mazlan Othman, former Director of the United Nations Office for Outer Space Affairs.

## **6. Going Forward: Strategy and Processes**

It is not simple to transform an organisation designed to host an annual conference into an institute with various projects and workstreams. The more people are involved, the higher the level of communication and coordination required to ensure that everyone is pulling in the same direction. One of the most useful exercises in this regard was a strategic review facilitated by Patrick Wall, a GNC 2016 alumnus, in which he guided us through our purpose, strategic pillars, objectives, and initiatives with all his trademark calm and composure. The outcome of this review became the blueprint for turning the Global Negotiation Conference into the Institute for Global Negotiation and is the most opened document on my computer. For his efforts, Patrick was rewarded with more work as the Institute's Head of Strategic Partnerships.

In addition to strategy, we have also had to create from scratch a tapestry of internal processes to deal with logistical and delegation questions as our team, projects, and members have increased exponentially (see Jehn et al. 2008). The lead for this fell to Christian S. Trenk, a GNC 2017 alumnus, who became the Institute's first Head of Operations alongside his role leading the GNC as it triumphantly returned to an in-person event following the pandemic. In designing the processes for the Institute, Christian showcased the invaluable

able negotiation skills of thoroughness and scrutiny by ensuring we know exactly how anything agreed will be implemented. Ever foresightful, he even designed the process to select his successor for when his term finishes at the end of 2024. Alongside Partnerships and Operations, the final portfolio is Head of Communications currently held by Vera Hauser, a GNC 2022 alumna. If negotiation is anything, it is a form of communication, and this is an area where Vera excels both in her ability to keep us focused as well as sharing the story of our purpose and work to the outside world. Still, the story that is the founding of the Institute for Global Negotiation is just getting started and I look forward to what future chapters have in store.

## 7. Conclusion

I hope this reflection shows that although the Institute for Global Negotiation is only a few years old, its roots run far deeper. The GNC is now just one of many projects our members are engaged with, and every month throws up new opportunities and areas for us to explore. With Jonathan Lamprecht, GNC 2019 alumnus and Professor Stefanie Walter joining the Board, the IGN is deepening its cooperation with the University of Zurich as well as other universities, international organizations, NGOs, and motivated individuals across the world. Still, as we look towards the future it is always useful to reflect upon the past. I believe the lessons that I've learnt while establishing the Institute have shaped both my approach to negotiation and contributed to shaping the culture of the IGN as an organisation. Though far from comprehensive, they constitute a solid start for a negotiation checklist:

- **Prepare:** Make the time in your schedule to 'prepare, prepare, prepare' for your negotiation (see Ury, 2007; Fisher and Shapiro 2005).
- **Apply and Reflect:** Use the tools of analysis on 'real-world' negotiations and reflect when things go well and when they don't (see Ade et al. 2018).
- **Listen:** The only way to truly understand others is to ask questions and listen to the answers with an open mind (Voss, 2016; Ben-Ezer et al. 2024).
- **Alternatives:** Don't be afraid to walk away and start something new (Fisher and Ury, 2012).
- **Encouragement:** Seize upon those who offer you encouragement and try to do the same for others. Find those who can offer you support as well as those with the influence to bring value to the negotiation (see Lax and Sebenius, 2006; CCHN and Bruderlein, 2019).
- **Logistics:** Never forget the importance of the practical things like the venue, date, and duration of the negotiations as well as who is paying for the whole thing, food, and refreshments (see Salacuse, 1991; Moore 2014).
- **Process:** Ensure you have a clear process in place for your negotiation (see Fisher and Shapiro, 2005) or mediation (Moore, 2014).
- **Improvise:** Above all realise that however much you prepare and strategize life is full of surprises both good and bad (Balachandra, 2005).

There are countless people who have contributed both to the Global Negotiation Conference and Institute for

Global Negotiation whose names do not appear in the account above. My final word is to thank all those people – whether family, friends, students, speakers, members, colleagues, funders, sponsors, or volunteers – who through their time, energy and encouragement have contributed to the success we've had to date. There are countless challenges we face as individuals, communities, and as a species. Though it can be easy to succumb to pessimism I take encouragement from all those who are using negotiation to tackle these challenges and contribute to building a more equitable, peaceful, and sustainable world. I look forward to working with you in the future.

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# From Civil War to Red Bulls Overcoming Negotiation Deadlocks in South Sudan

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Online publication date: : 20. November 2024

<https://doi.org/10.70714/5gayvy16>

ISSN (online) 3042-5913

## Abstract

The following reflection from just over a decade ago (2013-2014) seeks to outline the unique and challenging situation of a negotiation involving multiple parties – precipitated by the unauthorized landing of a large cargo plane and detention of pilots and crew – in what remains the world’s newest country, South Sudan. Not only did this negotiation occur in the context of an ongoing civil war, but also in a remote, rural location which hosted a large, international organization, featuring hundreds of staff, patients, families, troops and military leaders. All of this led to a complex mix of procedural and cultural intricacies, which led to some difficulties but ultimately provided further opportunities to work towards a mutually beneficial outcome.

## Biography

Jonathan (“J.T.”) Simms is a humanitarian and communications specialist, having worked with the various international governmental and non-governmental organizations in six countries on four continents.

He holds a Bachelor’s degree in Communications from Vanderbilt University and a Master’s in International Affairs and Diplomacy from the Open University of Catalonia (UOC).

## 1. Introduction

The purpose of this reflection is to bridge the invisible gap between theory and practice, examining a real-world negotiation in a challenging context through an analytical lens, with the benefit of hindsight.

The methodology employed here is largely qualitative and ultimately retrospective, given that at the time I had no intention to share this negotiation publicly. In fact, for important reasons regarding the safety and security of teams on the ground, it could have been potentially harmful to do so. Now, however, more than 10 years later, my hope is that there is some benefit to those interested in negotiation to read about this experience. The insights below were gathered in real time and after the fact from direct, first-hand experience and are therefore more inductive in nature.

Looking at the two figures employed in particular, the first is a security “pyramid” I shared with every incoming team member while I was a Project Coordinator in South Sudan. I believe this is of special importance as it goes against the grain of traditional thought. Through theory gained in coordination training combined with best practices on the ground, I understood that community acceptance is ultimately the best security – more important than avoidance (staying in the safety of one’s compound, for example) and protection (physical fences and guards, armed or unarmed).

The second figure is an “interest map” meant to situate the various actors involved. I have included abbreviations for clarity when referencing them again in the text, and in some cases this was the actual shorthand used at the time. In other cases, I have taken the liberty of adjusting titles and abbreviations for the sake of

anonymity. The bolded actors represent the main two parties examined in this reflection, while the larger arrows represent upward formal reporting lines and the smaller arrows depict various interrelationships.

Finally, the theoretical framework follows less of a traditional research approach and more of a reflection on a negotiation for which I now know the outcome, the practical lessons of which I would now like to share in a more structured way. While this could be seen as a limitation, my prior theory that intercultural understanding and patience can yield mutually beneficial results was borne out, though of course it took some time to get there. The main lessons are more fully laid out later in this reflection, however I must underline that taking an approach of respect and awareness was paramount. Of course, in any negotiation a given party wants to achieve a desirable outcome for his or herself (or in this case the international organization I represented), however a significant amount of space for patience and compromise must be allowed, especially when dealing with the lives and well-being of several third-party individuals, as hopefully articulated below.

## 2. Overcoming Negotiation Deadlocks

The process of overcoming negotiation deadlocks is not an exact science, especially in challenging contexts. Sometimes, new information comes from the least predictable sources, while simultaneously providing a window into unique perspectives previously unexplored. Cultural differences and idiosyncrasies can open the way to opportunities that may ultimately lead to mutually beneficial outcomes.

As a brief introduction, I served as a Project Coordinator (PC) for a large

international organization in South Sudan from 2013 to 2014. Although now just over a decade ago, the context is still very relevant, as the world's newest country's neighbor to the north, Sudan, is currently engaged in a civil war for more than a year, with many of the conflict's two million refugees crossing the border south, to an area which was once its own territory (Besheer, 2024). It is a complicated situation, especially after South Sudan was formed following Africa's longest civil war with the north in 2011 (Ajak, 2024). In 2013, an intercommunal conflict in the new southern country began as well, between supporters of the President and supporters of the Vice President (Center for Preventative Action, 2023). All told, it can be argued that the two countries have either been at odds or at war with each other for over four decades, with very few moments of reprieve. Men and women my age who have grown up in the region have never lived outside of conflict.

In 2013, the medical team I led was on the front lines of the Opposition headquarters and faced a number of challenges, from 12 bullets that entered our hospital compound (luckily without any deaths), to receiving over 600 war-wounded patients in just a few months' time. As Project Coordinator, I negotiated directly with the former Vice President and Opposition Leader (OL) on several occasions, and worked to solve tricky security and patient access issues with high-ranking generals on many other occasions. One specific negotiation was triggered by the unauthorized landing of an East African-registered cargo plane at our rural town's unpaved airstrip, which became very muddy during the rainy season and normally only supported small, single-engine aircraft. An independent company was contracted by

our larger organization without the knowledge of our team on the ground nor the approval of the Opposition, who were the de-facto local government. As we found out, the aircraft was instructed to perform a "fly over" and quickly view the airstrip to assess the feasibility of landing such a large, heavy supply plane. What transpired was an actual unauthorized landing, which resulted in the pilot and four crew members being immediately arrested by the local authorities, and held (more or less as unofficial hostages) until several days of negotiation resulted in their release.

### **3. Relationships between Actors**

To outline the main actors involved – in terms of the core negotiation parties – this was certainly a case of what Anderson (2018) describes as "multi-stakeholder diplomacy", which was further complicated by the introduction of what could be described as a "shadow" or de-facto government, or the Opposition party which laid claim to the administration of the town in which our organization operated (Anderson, 2018).

The key negotiation groups were our organization, the Opposition, and the Flight Contractor (FC) whose plane landed. The sub-groups within those three could be described as myself as Project Coordinator (representing the organization, reporting to others in the capital and Europe), the Opposition Leader (including his generals), the Head of the Flight Contractor and their pilot and crew. Since that structure could create a convoluted analysis, I will focus on the negotiations between myself and the generals, as we had similar "ranks" and both had to report to those above us in our respective systems, but ultimately were the most involved on a daily basis. In many ways, there was a strong diffusion of power at play here, as we were both authorized to negoti-

ate on behalf of our respective organization/movement (Singh, 2015).

The Flight Crew was caught somewhere in the middle, essentially functioning to provide factual information, and in some ways became an unwilling pawn in the process. The constituencies could be seen as the townspeople, who also had a multidimensional role of local hospital staff, patients (themselves and their families), as well as being naturally sympathetic to the new local government, who were primarily of their own intercommunal affiliation. Furthermore, there were very important cultural and unexpected religious elements that later played into the negotiation, which I will describe below.

In terms of the relationship between the negotiating parties, this is also a justification to focus on myself as Project Coordinator and the Opposition Generals (OGs), as it could be argued that we had the most direct relationship of all stakeholders involved. Again, the Flight Crew was a new stakeholder, as neither one of us knew or was necessarily even aware of their existence until they landed.

As I had already lived and worked in the town for more than six months before the landing and ensuing negotiation took place, I was also already well-known by the townspeople and team, and had built up a high degree of trust based on a certain type of interdependence: they needed us as an organization to provide life-saving healthcare, and we as an organization needed them to ensure a sense of security, which was built on mutual acceptance. This interdependence could also be described as being built upon mutual trust in a "dignity culture" (Brett, 2014). In fact, as Project Coordinator, acceptance was at the top of our team's security pyramid, which roughly looked like this (Figure 1), below:

In a similar way (and in part based on this foundation), mutual trust did exist between the primary negotiation parties of myself and the Opposition Generals, although it was a slightly shorter relationship which only began after the conflict started, a few months before the negotiation in question. Communication was consistent, though a cell phone tower shutdown in the region made that more difficult. When not meeting face-to-

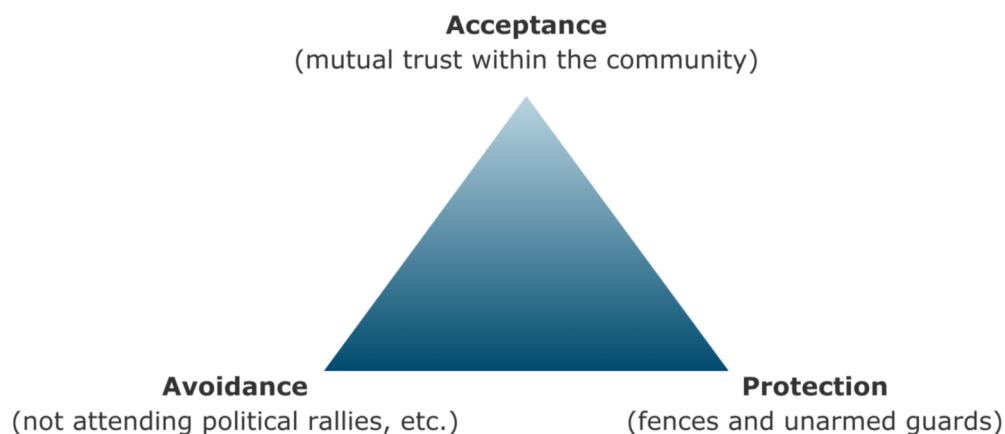


Figure 1: A physical representation of the security pyramid I presented to every staff member who joined our team during my year in South Sudan. It is a personal combination of insights gained from both theoretical training and practical experience as an international Project Coordinator. Acceptance is paramount.

face, we relied on satellite phones, which were less reliable and convenient, but ultimately necessary when the Generals were out of town and closer to the front lines. Again, I needed to maintain contact with them to ensure security and practically know where fighting was taking place. They needed me to ensure we remained in the area (and were not forced to evacuate), to provide health care for themselves and their families. Communication sometimes became problematic, as it was our duty to abide by our organization's strict (yet important) stance of impartiality and neutrality, which was admittedly difficult to maintain as we were geographically embedded on one side of the conflict. Still, I had to reiterate this to the Opposition Generals whenever appropriate, which was more or less understood to varying degrees. The following interest map (Figure 2) may help describe this relationship.

the ultimate decision-maker, with troops and weapons), and the Global Operations (GO) on the organization's side (with the ability to order an evacuation, leaving the town without healthcare). There was no third-party mediator involved, though the Flight Contractor in some ways could be characterized as the "third party" here, whose introduction precipitated the negotiation in question, as opposed to the case in Malawi, where affected persons were largely exempted from negotiations headed by an international third party (Anderson, 2018).

As it can be seen in this map, there were a lot of interdependencies involved and reporting lines to be aware of. There were powerful heads of both parties, with the Opposition Leader likely holding the most clout (he was

As seen in the interest map, the main objectives and interests of the Global Operations were to ensure the safety of the team members and release of the Captives being held, while avoiding reputational risk to the organization by keeping the negotiation out of the public's eyes. Similarly, for the Opposition Leaders, the objective was to preserve the legitimacy of his own movement, which any injury or death to the Captives would certainly damage. He also wanted to maintain a good relationship with our organization to ensure the health and safety of his troops and their families. To dive

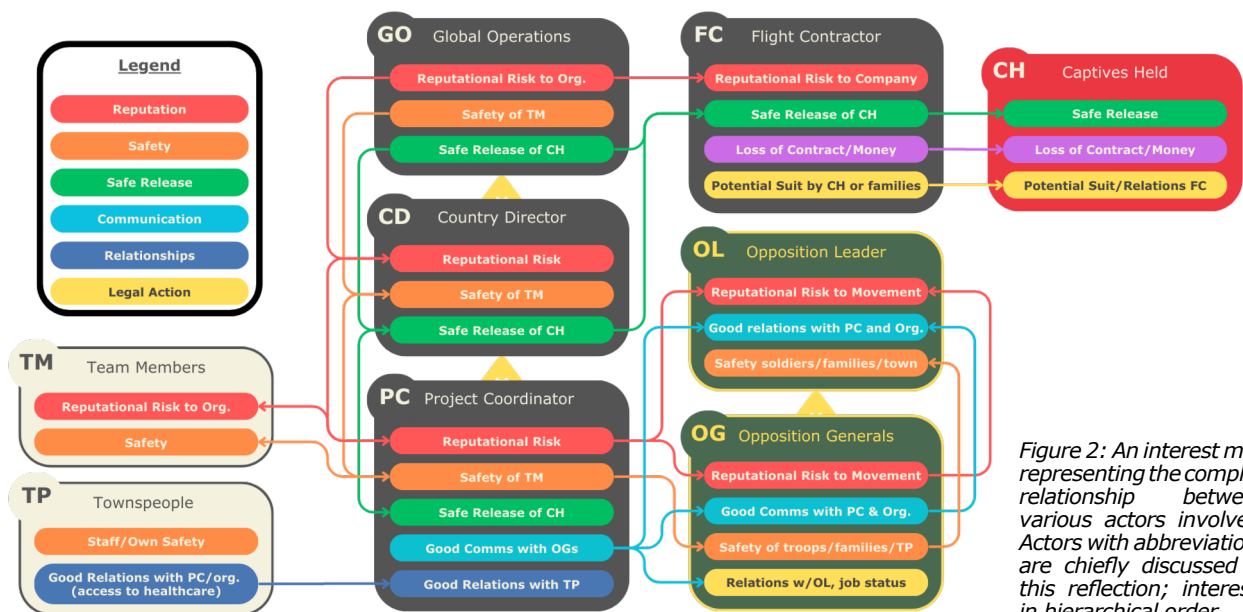


Figure 2: An interest map representing the complex relationship between various actors involved. Actors with abbreviations are chiefly discussed in this reflection; interests in hierarchical order.

deeper into the negotiation itself, I essentially represented the organization and reported upwards, while the Opposition Generals did the same for their movement. We were in touch on a daily basis, often even multiple times a day. I had the ability to visit the Captives held (CH), who were very informally held in what inarticulately looked like (and may have previously been) a type of goat or sheep pen with a shade hangar over it, albeit monitored by armed guards.

#### 4. Negotiating Captives' Release

The negotiation concentrated on the following main "issues": the Captives would remain until their intentions were clarified and the Opposition felt that they didn't pose a threat to their movement or the townspeople. In other words, the Opposition Generals and the Leaders were worried that the Kenyan Captives could be foreign spies for the Government, their opponent in the civil war. We, as an organization, wanted the Captives released as quickly and safely as possible, without damaging our relationship with the Opposition, who ensured our safety. This is where cultural differences also came into play. From a gender perspective, there were notably no women involved at any stage of this negotiation. Their representation on the interest map above is limited to roughly half of the townspeople and the team members. Looking back, it is unfortunate that while their health and safety were equally affected by this negotiation situation, local intercommunal customs and perhaps our own organization's lack of gender diversity in this particular case are now readily apparent. However, given the local customs, a woman's voice on our organization's side would also likely not have been properly respected. As Florea et al. (2003) argue has been the case, citing Kolb and Coolidge (1995), it is certainly true that in our context, a wo-

man's "place" may not have been seen as at the negotiation table (Florea et al., 2003). Strangely, my gender, height and beard also provided me an (unearned but relevant) embedded respect, as I was told by local team members.

Finally, what could be seen as a relatively easy case of factual clarification and the Captives' release was further complicated by an important and potentially overlooked detail: the cultural relevance of deeply-rooted religious beliefs and storytelling. Although townspeople in the area had been converted to Christianity by missionaries in the 20th century, traditional animist beliefs were still very much present. I was told by local team members that this unauthorized landing brought to mind an ancient story, which claimed that one day an enemy would come to take their land in the form of a large red bull. Incredibly, but unfortunately true, the large cargo plane that landed was bright red in color. This made the negotiation much more complicated. The Opposition Generals confirmed this story to me – and although it seemed they did not necessarily believe it – they said that they could not release the Captives until the local townspeople were convinced, they were not the enemy, just dropping into town on a modern version of the red bull. In this way, it was also a question of "saving face": if a mistake was made, they had to clarify it to the townspeople before the Captives' release.

As both a main negotiator and adopted local resident, I also had no choice but to respect this story and be somewhat patient until the townspeople were convinced, after a large meeting led by the Opposition which I also attended on behalf of the organization. I was also immediately reminded of a West African saying which has also been attributed to many cultures:

"The patient one can cook a stone and drink its soup". In other words, if you are patient enough, even in the hardest of situations, there is a potentially rewarding outcome awaiting. Thus, I became very familiar with their position and respected it, maintaining a stance of actively listening and learning while also clearly communicating our position that the Captives must ultimately be released.

## 5. Conclusion

In the end, the result was that the Captives were freed, although their detention lasted several days longer than hoped for. While engaged in an active civil war, the Opposition Generals, despite the gravity of the situation at hand, in hindsight may not have held our particular negotiation as their highest priority, and thus the delay was not seen as detrimental. On the contrary, it showed their leader and the townspeople that they intended to see the situation through and did not easily dismiss what seemed like a simple mistake.

Looking back, it is apparent that they also wanted to recognize and appease those who believed in the cultural aspects of the story, and perhaps not let the "red bull" get away so easily. Though it was a lot of work for me personally, with all of the necessary yet bureaucratic reporting that my organization required for legal protection purposes, I believe that in the end the negotiation was ultimately resolved because we took a stance of cultural respect and patience, while using our existing community acceptance as a tool to achieve the mutual goal of a safe release, which in the end was in the interest of everyone involved.

Finally, while certainly a challenging context in which to work, South Sudan is undoubtedly a beautiful country with wonderful people and great

potential. Becoming aware of cultural differences in approaches to gender, appearances, local narratives, and power dynamics shaped the way I approached this negotiation, and later negotiations. While the scope of this reflection does not necessarily conform with some of my other experiences I had during my year in the world's newest country, for me the main lesson is this is that intercultural respect and patience can yield mutually beneficial results.



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# The Pros and Cons of Working With Only One Side to a Conflict

## Analyzing the Impact of Conflict Management Training in a Polarized Context

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Online publication date: 20 November 2024

<https://doi.org/10.70714/n5ksx049>

ISSN (online) 3042-5913

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### Abstract

This reflection examines the decision of the Bridgeway Group, a conflict resolution non-profit organization based in Massachusetts, to exclusively offer negotiation preparation and training to one party in a conflict context in the United States. The Bridgeway Group has historically focused on conflict contexts outside of the US, helping parties in conflict to find less violent and more constructive solutions to their differences. Generally, the Bridgeway Group works with all parties to a conflict, enhancing negotiation and conflict management skills and analysis. The aforementioned decision was taken when the Bridgeway Group embraced the opportunity to work on a deeply polarizing domestic issue in the field of reproductive health, embarking in a new direction for the organization. The project shed light on the importance of value alignment and clearly articulated goals when pursuing new work. The Bridgeway Group's experience underscores the challenges associated with working with only one party to a conflict. The two-year engagement with the client, a reproductive rights organization, revealed important lessons about the need for an explicit, mutual commitment by the client organization and The Bridgeway Group to improve negotiated outcomes, enhance sustainable solutions, and engage ongoing learning, all without contributing to further political polarization. Mr. Konradt was tasked with writing this reflection as part of his research fellowship. The project was completed before he joined the organization.

### Biography

Elizabeth McClintock, Ph.D. is Executive Director of the Bridgeway Group, with 30 years of experience offering consulting services to and designing negotiation, conflict management, and leadership training programs for public and private sector organizations worldwide. Liz is an Adjunct Assistant Professor of International Negotiations at The Fletcher School (Tufts University) and a Lecturer on Law at Harvard Law School.

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## 1. Introduction

A non-profit organization, the Bridgeway Group (BWG) was founded in 2005 and traces its origins to the Harvard Negotiation Project, founded by Professor Roger Fisher in 1979. The Bridgeway Group is committed to providing individuals and organizations in conflict-affected environments with pragmatic methods, tools, and skillsets to help them more creatively manage conflict.

In 2021, a reproductive rights organization approached the Bridgeway Group, asking for assistance. The organization sought to more effectively manage internal issues and develop strategies to build more sustainable coalitions between different organizations in the field of reproductive health. The decision to request assistance was driven by the perception that previous strategies undertaken by the organization were too positional and not sufficiently collaborative. In the lead up to the U.S. Supreme Court decision to overturn *Roe v. Wade*, the organization also sought to nurture relationships and better manage conflict between its regional and national offices, in anticipation of a decision that might go against the organization's position of free access to reproductive choice. The organization wanted to be better prepared to face this new reality.

The client analyzed here was special for BWG, marking the first time they worked exclusively with one party in a U.S. conflict, training and advising a reproductive health organization in the U.S. to address a deeply polarizing domestic issue. While BWG has extensive experience with the World Health Organization on global health issues, this project felt more personal due to the team's strong opinions on reproductive rights. The decision to engage in this project and the lessons learned will shape BWG's future work. This

reflection aims to answer the following questions:

- What motivated the decision to work with a reproductive rights organization?
- Do the values of the two organizations align? Did that impact the way in which the work was implemented?
- What are the implications of working with one party exclusively, given the organization's value of helping all conflict parties improve the way in which they engage with "the other(s)"?
- What was learned from working in the context of this client?
- Are the outcomes satisfactory for BWG and the client organisation?

This reflection is designed to help the BWG team fulfill one of its central goals: push the boundaries of its conflict management practice and hopefully expand the theoretical foundations of the field by sharing the insights learned with the broader conflict management community (Practitioner 1, June 27, 2023)<sup>1</sup>

## 2. Pros and cons of engaging all parties

Working with only one party engaged in a deeply divisive conflict raises a question about the purpose of doing so. Many practitioners in the field of conflict management believe that to truly resolve conflicts, one should always engage all parties involved. This is a fundamental principle in the fields of negotiation and conflict resolution and is often referred to as "inclusive" (Paffenholz, 2014) or "multi-party" negotiation (Shonk, 2023).

<sup>1</sup> Practitioner Interviews - List available upon request.

However, there are pros and cons to this approach. The pros include:

- **A Comprehensive Understanding of the Issues:** By including all parties, practitioners can better comprehend the problems, underlying issues, and viewpoints of each party (Practitioner 5, July 5, 2023). This approach allows for more informed capacity-building and the development of immediate practical solutions.
- **Enhancement of Empathy and Trust-Building:** Inclusive negotiation processes foster empathy, build trust, and humanize the "other". Although in a completely different context, it is worth mentioning that in the case of Colombia's FARC negotiations, a conscious effort was made to invite victims and other affected groups into the process to explicitly rebuild trust (Carl, 2019).
- **Promotion of Sustainable Solutions:** Involving all parties in negotiations increases the likelihood of sustainable solutions by fostering ownership of outcomes and replacing the image of the "other" with personal connections. This helps resolve misunderstandings and improves effective implementation (Practitioner 5, July 5, 2023).
- **Time-Consuming Processes:** Multi-party negotiations can take a long time and may include many failed attempts before eventually achieving any tangible results.
- **Potential Power Imbalances:** Weaker parties might feel overwhelmed or hesitant to voice their concerns openly, and stronger parties may have a tendency to assert their dominance.
- **Decision-Making Challenges:** The greater the number of parties involved, the more challenging it becomes to reach a consensus. Each additional party increases the number of interests that must be considered, complexifying the process of option generation and complicating the impact of parties' alternatives to negotiation (Hampson & Hart, 1995).
- **Resource Constraints:** Due to financial or other resource issues, the organization(s) working to assist the parties may not have the means to involve several parties in an equitable and effective way (Practitioner 5, July 5, 2023).

There are downsides to the all-inclusive approach:

- **Representation:** An all-inclusive approach implies that all critical parties are included. However, this is a challenge: how many parties would be sufficient to label the process "all-inclusive"? Are those parties sufficiently representative of all the views? What are the criteria for whom to include or exclude (Paffenholz & Zartman, 2019)?

### 3. Working with one side

Inclusiveness is one of the BWG's core values and aligns with their experience. Designing processes that take into account multiple parties' interests tends to result in more sustainable agreements and those processes are often perceived as more just. At the same time, there are several factors that need to be considered when making the choice to engage. These factors depend on the specific conflict, the circumstances surrounding it, and how the organizational values impact and are impacted by the issue(s) being addressed.

In the interviews conducted with practitioners, several reasons for working with only one party to a conflict were mentioned:

- **Willingness:** It is a challenge to include those who don't want to be involved in the conflict resolution process (Practitioner 3, June 30, 2023). Parties may refuse to participate in negotiations. Reasons for this refusal might include ideological differences, lack of trust in the process, previous negative experiences, or because the party in question benefits from the existing conflict situation.
- **Access:** The inability to reach certain stakeholders also hinders inclusiveness. This could be due to the confidential nature of an organization's work, the lack of a robust network to reach stakeholders, or circumstances surrounding the conflict (Practitioner 3, June 30, 2023). It is possible that the identity of the 'other side' is unknown. Extreme polarization can also limit access to certain parties due to ideological conflict. The "other" party may not reach out or may be unresponsive when contacted (Practitioner 6, July 18, 2023).
- **Urgency:** Time constraints may not allow for comprehensive inclusiveness in certain situations. For instance, in humanitarian crises where immediate action is required, negotiations may need to proceed rapidly, limiting the ability to involve all stakeholders.
- **History:** Previous negative experiences, historical grievances, or deep-seated animosity between parties may hinder efforts to involve all parties (Practitioner 5, July 5, 2023).
- **Language:** The involvement of interpreters can bring its own challenges, potentially increasing the risks of misunderstanding, creating a barrier between parties. While interpreters translate words, they are sometimes unschooled in the meaning of the concepts or ideas being shared. This lack of understanding can add confusion even when negotiations are held in the same language. In challenging negotiations, where trauma and emotion inform the communication, the risks of misunderstanding are even greater. Interpreters must be first trained in the concepts before engaging their work. Working with only one side allows them to explore meaning, clarify concepts, and better prepare to engage with the other party (Practitioner 3, June 30, 2023).

#### 4. Motivation for working with a reproductive rights organization?

These factors did not influence BWG's decision to work with this reproductive rights organization. Given the nature of the issues (reproductive rights and access to abortion) and the 'firsts' mentioned above, the decision was largely value-driven (Practitioner 4, July 4, 2023). The key question BWG asked was, "do our values on this issue align with those of the organization?" The answer was "yes". Three considerations influenced their answer: (1) the spirit in which the organization approached them (i.e. did they come with a competitive mindset seeking to silence the other perspective, or did they have a proactive mindset, where they sought to empower themselves to more effectively engage the work of advocacy and influence?); (2) the organization's goals in learning the skills offered; and (3) the larger issue of the team members' respective positions on how reproductive rights are exercised and protected in the United States.

One principle on which the BWG remains firm: they ask that clients and communities express their commitment to resolving or dealing with their conflicts in a nonviolent and - ideally - in a more constructive manner (Practitioner 4, July 4, 2023). This is important because clients who choose to hire BWG are sometimes frustrated and often come with a polarized mindset. Their past substantive and emotional histories cause them to negatively view the other party and mistrust their motives (Practitioner 5, July 5, 2023). In certain contexts, this could potentially lead to violence. Thus, the BWG seeks - where possible - a commitment to the principle of nonviolent conflict management from its potential clients.

Some in the field contend that empowering only one side of a conflict by providing them with negotiation tools and skills could worsen a conflict. Acknowledging these concerns, BWG relies on other factors in its decision-making process when choosing to work with only one of the parties to the conflict.

First, if a particular party lacks the necessary tools and preparation to effectively engage in negotiation that could potentially empower the other party, thereby worsening the conflict (Practitioner 2, June 27, 2023). For example, in a dispute over land rights, if one group has legal experts and experienced negotiators while the other group lacks such expertise, empowering the well-prepared party without addressing the lack of preparedness of the other party might lead to an inequitable or unfair resolution and exacerbate the animosity between them.

Second, the tools and skills we impart to any party in a conflict have the potential to introduce dynamics that

would benefit the overall system (Practitioner 1, June 26, 2023). For instance, in a labor dispute, if a union receives training in effective negotiation, they may develop more constructive ways of communicating with their employer. Even if the employer received no such training, this shift in dynamics could lead to a more productive bargaining process, benefiting both workers and the employer, potentially reducing the likelihood of a prolonged strike or future conflict that would damage both parties. However, the BWG might be hesitant to accept a request to work with management without the reassurance that they would use the skills to improve relations with the union, rather than simply overpower them (Practitioner 5, July 5, 2023).

Third, BWG views both the work and the philosophy of continuous learning as an antidote to polarization (Practitioner 3, June 30, 2023). While the specific parties and individuals may change over time, polarization is static: it locks the conflict into a fixed and unchanging state, conceptually akin to opposing magnetic poles, making progress toward resolution often near impossible. Any attempt to reconcile the competing perspectives only entrenches the parties in their positions, unwilling to consider alternative viewpoints or seek common ground. This rigidity can hinder meaningful dialogue and collaboration, eventually leading to a complete deadlock. One way to move beyond this polarization is through continuously reflecting and learning, being open to other perspectives, and remaining open to persuasion (Practitioner 5, July 5, 2023).

## **5. Do the values of the two organizations align?**

The client was and is navigating a difficult environment. Its national office must balance its nationwide

strategy with the needs of a diverse group of affiliates. In addition, they are required to confront an increasingly hostile reproductive health environment while forming alliances with both traditional and non-traditional reproductive health organizations. The client approached BWG with a concrete challenge of building more coherent and effective coalitions to advance its interests.

Before beginning the work, BWG sought to ensure their values aligned with those of the client. Through diagnostic interviews, both organizations found common ground in key values such as equal access and education—both are committed to providing services and accurate, evidence-based information to those in need. The client's focus on providing reproductive health services, while avoiding polarization and ideological battles, further resonated with BWG's commitment to prioritizing dialogue and creating a secure environment for their work (Client staff, July 7, 2023).

If a "pro-life"<sup>2</sup> organization approached BWG, they would consider working with them if they demonstrated a similar commitment to a constructive conversation about access to reproductive care, rather than to promote increasing polarization (Practitioner 5, July 5, 2023). Values will ultimately determine the decision of whether to engage in a particular setting (Practitioner 6, July 18, 2023). Conversely, BWG would not work with an organization that espoused a violent mindset, intent on sowing polarization, as that does not align with BWG values (Practitioner 5, July 5, 2023).

<sup>2</sup> Editorial Comment: "The term 'pro-life' carries significant connotations, especially in the United States, where it is often used by individuals or groups that oppose reproductive rights."

## 6. Lessons Learned

The Bridgeway Group does not engage in projects purely from the perspective of what it can offer the clients. It is equally important to understand what can be learned from the work with that client throughout the project and how that can contribute to more effective collaboration on the issue more broadly. Engaging with this client was enriching for several reasons:

- **Legitimacy:** By working on an issue which is very divisive in the U.S., BWG gains legitimacy - both at home and with partners abroad (Practitioner 2, June 27, 2023). Addressing issues within the U.S. demonstrates a deeper commitment to bringing about positive change on a global scale. It recognizes that the United States is not immune to conflict and can benefit from the same negotiation and conflict resolution skills offered to clients elsewhere.
- **Innovation:** The unique challenges posed by the political landscape in the United States regarding reproductive rights demanded an innovative, nuanced, and adaptable approach. The work allowed BWG to develop new ways of reaching the target audience, including the modes of delivery (online, in-person), the format of that delivery (workshops, reinforcement sessions, and coaching), and the adaptation of tools and materials (next bullet).
- **Contextualization:** Part of the success with the client - as reported by participants - resulted from contextualizing the materials. The diagnostic interviews and research conducted early on allowed for a better understanding of the organization's challenges and their reflec-

tion in the materials (Practitioner 5, July 5, 2023).

- **Preparedness:** The work positively alleviated the overall conflict by cultivating the client organization's preparedness to negotiate both internally and externally. Without addressing internal issues, it is much more difficult for an organization to properly engage in external negotiations (Practitioner 2, June 27, 2023). Organizations equipped with the ability to engage more effectively with the other party can create more durable solutions. Participants learned that they could prepare to engage with the "other side" by conducting an interest analysis from the other's perspective. This helped participants understand what might be more persuasive to the other party.
- **Relevance:** Designing a program for a reproductive rights organization was an opportunity to test the relevance of the BWG toolkit in a new setting. Participant feedback underscored the relevance of the skills and tools.
- **Framing:** The framing of the work as "negotiation" training was met with some skepticism by client staff (Client staff, July 7, 2023). Staff reported thinking, "but I don't negotiate so why would this apply to me?" A better understanding of the organization's internal perceptions would have allowed for a broader framing of the training, including descriptions such as "understanding influence and persuasion", which ultimately resonated with workshop participants.
- **Focus:** At times, internal conflicts present a greater threat to the sustainability of an agreement than those with the other party. Investing in one side can yield a better

understanding of internal interests, provide an opportunity to reality-test options, and develop strategies to manage key constituencies (Practitioner 7, July 20, 2023). These are important advances in the collaborative process that might not have emerged had the client been brought together with their partners, without the benefit of first working on their internal negotiation dynamics. The focus on one party allowed for individual goal-setting, and goal-tracking became easier, permitting participants to better take advantage of the follow-up sessions and the coaching process (Practitioner 6, July 18, 2023).

## 7. Satisfaction with the outcomes?

The Bridgeway Group team would respond with a resounding "yes" to the question if the project has been a success. In addition to the rich lessons listed above, the project offered the opportunity to test pedagogy and new methods of sharing concepts.

BWG experimented with a model that they rarely use due to the challenges of working with international clients and unstable internet connections abroad. By combining online and in-person sessions with individual coaching, BWG was able to iterate on the concepts and address real-life client challenges in smaller groups. This approach allowed for more personalized follow-up, reinforcing the learning in a way that's often not possible in their international training programs.

In terms of impact on the client's ability to engage in negotiations more effectively, client staff has received positive feedback. According to them, the reason is twofold. First, when engaging the Bridgeway Group, the client's staff stated that there was a need to build more effective coalitions



among reproductive rights organizations to prepare for the aftermath of the overturning of *Roe v. Wade* by the U.S. Supreme Court (Client staff, July 7, 2023). The client needed a neutral negotiation framework to build those coalitions, which BWG provided.

Second, during the project, the client staff realized that there was a strong need within the organization to better identify and comfort their own positions, in addition to those of the people with whom they negotiate. The project addressed both issues. The client staff reported that the overall objective of contributing to their skills to build coalitions between the different reproductive health organizations was accomplished.

The project ethos purposefully considers the perspective of the “other” (Practitioner 3, June 30, 2023). The learning methodology includes questions that require clarity on one’s own interests, as well as the interests of the other party, and to put themselves in the shoes of the “other” - a basic tenet of interest-based negotiation. Through this process, the client is encouraged to engage with their counterparts on the other side of the conflict (Practitioner 2, June 27, 2023). The structure of the training process helped the client staff to see the world through the eyes of these other organizations, allowing them to better understand their interests, as well as to develop more effective strategies of influence based on that understanding.

The project was tailored to the needs of the client to the point that one participant expressed that she felt she was reading internal emails (Client staff, June 30, 2023). Another common sentiment expressed during the evaluation was that the client finally had a framework to analyze difficult conversations; likewise, the training

allowed them to develop more awareness and intentionality on how to engage in difficult or challenging conversations (Client staff, July 7, 2023).

Ultimately, the reach of the project within the organization was limited due to negative or simply ambiguous connotations of the term “negotiation”. Another challenge was buy-in by participants of the value of the training. Had the value been more effectively articulated from the beginning of the engagement, that might have resulted in greater prioritization of the project activities by staff and affiliates (Client staff, July 7, 2023). Structural changes within the training department, which occurred not long after the engagement ended, meant that there was no one on the client’s side who was able to advocate for taking the project forward. The impact could have been expanded if the client’s team had had the chance to integrate the BWG approach into their general training framework (Client staff, July 7, 2023).

## 8. Conclusion

The monumental shift in the political landscape following the decision to overturn *Roe vs. Wade* has revealed a growing need in the reproductive health community for the tools and training offered by BWG. It has become increasingly difficult to work on polarizing issues or work with organizations that address such issues in the U.S. An adversarial mindset persists among large parts of the population, irrespective of their political affiliation. This mindset increases the emotional intensity at which each person communicates, reduces their capacity to empathize, and erodes any common ground that previously existed.

Polarization is static and dangerous. The radical standpoints that are developed rarely change. As citizens, we

have the ability to move beyond a polarized environment by challenging our biases and entrenched mindsets, and by moving away from old thought patterns and behavior (Lebow et al., 1987). A key to doing this is continuous learning. This is the motivation for this reflection.

The client with whom BWG worked strives to minimize radicalization, and instead provides its services to those who need them and might not otherwise have access to them. The goal of this work was to assist a client in building stronger coalitions, more effectively managing their negotiations, and engaging in more targeted advocacy. This work allowed the Bridgeway Group to embrace the opportunity to influence the overall issue of better access to reproductive health by adding non-polarizing negotiation frameworks to the client's toolbox.

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# Ten Years On Talks for a Business and Human Rights Treaty get new Impetus

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Online Publication Date: 20 November 2024

First Published: 21 July 2024 at [genevasolutions.news](https://genevasolutions.news)



## Biography

Jérôme Bellion-Jourdan, a senior fellow at the Institute for Global Negotiation in Zurich, has been directly involved in the negotiations for a treaty on transnational corporations and human rights since the start when he was a European Union diplomat. He has continued to play a leading role on the broader business and human rights agenda, including as deputy secretary general of the International Organisation of Employers until recently.

## 1. Introduction

After ten years of division over negotiations for a legally binding agreement on business and human rights, states have to choose between one more decade of lip service or delivering on the demands of civil society, communities and businesses wishing to level the playing field, writes negotiations expert Jérôme Bellion-Jourdan.

At its latest session, the Human Rights Council made a significant move by adopting a decision that stands to give new impetus to the decade-long talks to draft a legally binding treaty on transnational corporations and other business enterprises with respect to human rights. The proposal was introduced by Ecuador's ambassador to the UN in Geneva and chair-rapporteur of the Intergovernmental Working Group, Cristian Espinosa Cañizares. During the negotiations, Ecuador had warned: "We cannot continue for another 10 years of repetitions of our positions."

While some point to limited results since the launch of the process in 2014, the decision provides a new opportunity for progress, assuming decisive steps by the chair-rapporteur, states and other stakeholders. Individually and collectively, all would need to account for a choice: pay lip service to the process for another decade, further deepening disillusionment with multilateralism, or use the decision as a stepping stone to conclude the UN negotiations and meet the expectations of civil society, affected communities and consumers.

The draft currently on the table provides for preventative measures such as the obligation of states to ensure that business enterprises exercise their "human rights due diligence", the duty to provide victims "access to justice and remedy", and

much-debated provisions on liability and jurisdiction.

## 2. When giants bow

Ambassador Espinosa's draft proposal at the working group's last session to bring the issue back to the Human Rights Council took everyone off guard. Parties were puzzled as to whether it was a bluff or a sign that Ecuador wished to pass the torch in this marathon to another champion. In fact, it may well be a sign of confidence.

Ecuador had proven it could set and maintain against all odds a global agenda towards a legally binding instrument. Over the past decade, on this and other issues, Ecuador has emerged as a remarkable illustration of how to handle real or perceived asymmetry of power – small states can leverage power at the multilateral level and make giants bow.

Back in 2014, the treaty proposal initiated under Rafael Correa, the president at the time, was visibly aimed at scoring points in Ecuador's longstanding legal battle against the American oil firm Chevron and subsidiary Texaco Petroleum over oil spills in the Amazon since the 1960s. Ecuador's decision to table a resolution in Geneva came just after a United States court ruled that an Ecuadorian court judgment that had ordered Chevron to pay \$9.5 billion in compensation could not be enforced since it resulted from fraud. The case has been pending since the arbitration tribunal in the Hague ruled in 2018 that Ecuador is "liable to make full reparation" to the oil companies "for denial of justice".

Despite initial lacklustre support from states, the resolution was ultimately adopted thanks to Ecuador's clever use of political dynamics. South Africa conditioned its support to adding a

footnote that effectively limited the treaty's scope to transnational corporations and excluded state-owned and other enterprises. That encouraged other BRICS countries, Russia, India, and China, to vote in favour, while Brazil abstained. Ecuador's initiative received enough favourable votes, though the support was sometimes nuanced. When explaining its vote, Russia, for instance, said it considered it "premature" to negotiate a legally binding instrument.

A sceptical European Union opposed the initiative, concerned that it was limited to multinationals, lacked consensus and would derail the implementation of the UN Guiding Principles on Business and Human Rights, which had been recently adopted. But Ecuador's power base also relied on a global civil society movement. The Treaty Alliance and Global Campaign to Dismantle Corporate Power engaged full-heartedly on social media and at the Palais des Nations, pushing the EU to gradually join the talks once some of its concerns were addressed. Reassured, the US, Japan, Australia, Norway and others followed.

### 3. Negotiations at a crossroads

On 11 July, Human Rights Council president Omar Zniher's gavel came down, adopting Ecuador's decision unanimously. This much-needed sign of consensus contrasts sharply with earlier divisions. However, backstage views are less aligned. Some states saw it as a way to buy time, while others felt it would foster consensus-building. At some point, a negotiator candidly stated that he was "confused" with the decision's objective.

Irrespective of the real intentions of the negotiating parties, progress will depend on how efficiently the additional time for consultations is used to bridge gaps on issues such as treaty scope, liability and jurisdiction. The involvement of legal experts, currently in the process of being selected, will be crucial to ensure the treaty's provisions may be transposed in the different legal systems.

As often in negotiations, much would also depend on political will. It isn't clear yet whether the EU will genuinely engage in the talks. The group hasn't delivered so far on the



Figure 1: Palais des Nations, 11 July 2024, Permanent Representative of Ecuador introducing the decision before its adoption by the UN Human Rights Council. Own Photo.

European Parliament's clear call to adopt a formal negotiating mandate, making it unlikely it will fully engage in discussions at the next Intergovernmental Working Group session in October.

Adding to uncertainties is an upcoming change in leadership. Widely recognised for his art of navigating conflicting expectations, ambassador Espinosa is set to leave Geneva for another mandate in Washington. After the initial support from President Correa, Quito's real intentions for this UN negotiation have been and remain elusive. The incoming ambassador will manoeuvre either with clear or vague instructions from the government ahead of the presidential elections in 2025.

Espinosa's successor will have to manage conflicting interests among states and other actors. The International Organisation of Employers and other business groups want a seat at the table, intending to push for a "framework agreement" that builds upon the UN Guiding Principles – an alternative proposal, initially made by the US, to a legally binding agreement. Meanwhile, civil society organisations consistently push back against what they consider "corporate capture".

To avoid another decade-long stalemate, the chair rapporteur and negotiating parties could usefully try different negotiation formats and techniques. During the talks about the Human Rights Council decision, our Zurich-based non-profit Institute for Global Negotiation offered its advice under its global negotiation support initiative. It suggested, as an illustration, that within the context of entrenched positions, the thorny issue of the treaty's scope and whether to limit it to transnational corporations could be resolved within a confidential

space, allowing parties to listen to the various arguments and test options for common ground.

While the negotiations continue, much more needs to be done by states and businesses to implement the UN Guiding Principles and act on the recommendations made by the UN Working Group on Business and Human Rights and the UN Office of the High Commissioner for Human Rights, also relevant to new and emerging technologies. Progress on business and human rights could also feed into wider agendas, such as the human rights economy advocated by UN high commissioner for human rights Volker Türk as a contribution to the Summit of the Future.

