



ENTRi
EUROPE'S NEW TRAINING INITIATIVE FOR CIVILIAN CRISIS MANAGEMENT

Course concept*
for the
SPECIALISATION COURSE ON:

**NEGOTIATION AND MEDIATION
SKILLS
IN INTERNATIONAL CRISIS
MANAGEMENT MISSIONS**

*This Course Concept, drafted by the **Netherlands Institute of International Relations 'Clingendael'**, has been approved by the ENTRi partners at a meeting held in Mengeš (near Ljubljana) on 30th of May 2017.

ENTRi is an initiative funded by the **European Union** through the Instrument contributing to **Stability and Peace (IcSP)** (90%) and co-funded by its 12 implementing partners. The implementing partners are from different **Member States of the European Union and Switzerland**. Please see www.entriforccm.eu for more information.

Table of content:

I	Introduction	3
II	Target group and minimum requirements	4
III	Training concept	5
IV	Overall objectives	6
V	Training methodologies	8
VI	Skills and competences	9
VIII	Bibliography	11

I. INTRODUCTION

The elements and skills of negotiations and mediation are common in every level of international crisis management. From the political-strategic level up to that of the on-the-ground activities of mission members; from the mandate of a crisis management mission to the physical posture of individual mission staff. Before moving to the substance, some descriptive definitions of negotiation, mediation and skills are outlined. Afterwards, more context is provided regarding the particular context of negotiation and mediation in the setting of international crisis management.

What do we mean by negotiation and mediation; and what do we refer to by skills?

Negotiation: Negotiation is an interaction between two or more people or parties intended to reach an agreed outcome over one or more issues where a conflict exists with respect to at least one of these issues. This outcome can be beneficial for all of the parties involved, or just for one or some of them.

Negotiation activities make use of communication skills, information-gathering and negotiation concepts and techniques.

Mediation: Mediation is a process whereby a third party assists two or more parties, with their consent, to prevent, manage or resolve a conflict by helping them to develop mutually acceptable agreements. (...) Mediation is a voluntary endeavour in which the consent of the parties is critical for a viable process and a durable outcome. The role of the mediator is influenced by the nature of the relationship with the parties: mediators usually have significant room to make procedural proposals and to manage the process, whereas the scope for substantive proposals varies and can change over time.¹

Mediation activities make extensive use of negotiation skills, communication skills, conflict dynamics and analysis, and mediation concepts and techniques.

Skills: Skills refer to an individual's ability to apply different technical means and tools (in this case those of negotiation and mediation) in a comprehensive way (having a skill-set). Individual technical skills are sharpened and strengthened based on the micro-skills that each individual already has by nature and through experience. Examples of micro-skills are interpersonal people skills, social skills, communication skills, character traits, attitudes, career attributes, emotional intelligence quotient (EQ) personal behaviour etc.

Considering negotiation and mediation skills in international crisis management: at the very inception, crisis management missions themselves are the result of a negotiated agreement. They have either received a mandate from the UN Security Council or bodies like the Council of the European Union, the OSCE Permanent Council or the African Union Peace and Security Council. Understanding the underlying dimensions of such negotiations and decision-making lays the first foundation for effective behaviour in the field.

¹ UN Guidance for Effective Mediation, A/66/811, 25 June 2012.

Once deployed, mission staff operate in a conflict environment where a conflict is still raging or a fragile peace deal is in place. As a mission member, you have to be aware of your own position: is your mission seen as a neutral party or is the mission associated with one of the conflict parties, e.g. the sitting government? Are you yourself seen as an impartial professional or do you - by choice or by default – support one particular group in the conflict?

Also the international community itself is often a loose confederation of political actors, international donor agencies, security bodies and other autonomously operating stakeholders. Some seek cooperation (through negotiation or coordination) whereas others have opposing interests. An international organisation like the UN, or EU could in such circumstance be assigned the role of mediator or impartial lead coordinator.

Often times, there are also simmering or open conflicts between international parties and local stakeholders, in spite of the principle of local ownership. Priorities that are dictated by New York or Brussels have to be matched with local priorities, and as a mission member you can be caught in the middle where you have to negotiate and mediate a common acceptable approach. Last but not least, the international crisis management mission itself is composed of different nationalities representing a variety of national interests and cultures which require constant negotiation behaviour in order to function effectively. This is a factor to take into account, but it should however not be the main focus of the training.

All in all, while working in international crisis management one operates in the midst of negotiated and mediated (politicised) processes. Mission staff is expected to fulfil a role as negotiator or mediator, or at least prepare senior management to fulfil that role. Hence, the elements of this training in negotiation and mediation skills apply to positions from senior leadership up to that of the individual trainer, mentor or observer. Closely related to the skills of negotiation and mediation for members of international crisis management missions are the concepts of 'do no harm' and 'conflict-sensitiveness' which will be mainstreamed into the course curriculum.

II. TARGET GROUP AND MINIMUM REQUIREMENTS

This training is targeted to civilian, police and military experts who work for international organizations in a crisis management environment. Although negotiation and mediation skills are not function-specific skills and can be applied in all complex political and conflict environments, this training is tailored to negotiation and mediation skills for positions and functions related to the core activities of a crisis management missions. These include mission leadership, political advisers, liaison officers, planners, mentors, advisers.

III. TRAINING CONCEPT

The basic concept of this training in Negotiation and Mediation skills in international crisis management incorporates four main dimensions:

- Negotiation: bilateral and multilateral;
- Negotiation: distributive and integrative negotiations;
- Mediation: principles and phases of mediation processes and role and identity of mediators;
- Applying negotiation and mediation skills to cases and exercises from international crisis management missions at operational and tactical levels.

This concept requires the following competences of the training provider:

- Understanding political decision-making processes in international crisis management;
- Expertise in negotiating with a variety of actors and the impact of those actors on the negotiation process;
- Ability to provide personal skills training;
- Expertise to apply theoretical concepts and theories to practice (through case-studies that reflect realistic negotiation situations);
- Expertise into the role of the mediator, seeing mediation as a facilitated negotiation process and best practises in dealing with mediators.

Since the primary focus of the training lies on strengthening participants' skills, it is advised to use applied and experiential learning methods, e.g. in the form of case-study exercises, role-plays, individual and group self-assessments as well as, for example, interviews with expert practitioners. The theoretical and conceptual elements of negotiation and mediation can be analysed and explained by the trainer(s) following the above-mentioned working formats in reflection and feedback sessions.

Even though each particular training will have its own flow and build-up, some key elements are required, namely:

- Overview of **key characteristics of decision-making** in regard to international crisis management missions in order to provide for the adequate context of the official mandates. Understanding political-strategic decision-making helps to create a framework for the possible instruments that can be used while on mission and to better understand the mandate.
- Differentiation between, and experiencing with, **various forms of negotiation processes**. This should be done through realistic and tailored exercises, debriefing and conceptual framing. These processes include bilateral distributive negotiations, bilateral integrative negotiations and multilateral integrative negotiations.
- **Linking concept and theory to practice** by providing conditions for the participants to understand the dynamics and establish required skillsets; ample time is required for this element, which is in fact the foundation of the training.
- Debate and practise **the role of a mediator, impartial third party and/or Mediation Support**. Frequently, international crisis management missions as well as individual mission members are in a position to act as impartial actor in a conflict setting or to enable professional mediation efforts to take place. The participants will learn how to position oneself and act as a respected third actor, but also to recognise and value mediation support activities by others.

- Cover the skills of providing strategic advice². Even when one is not oneself in a negotiation or mediation role, one has to be able to advise, prepare and support the Mission's leadership in conducting that role. For example, a Head of Mission has to weigh its relationships with the host government, towards the International Organisation's HQs, other international partners while at the same time remain a loyal capacity-building mission. Often, mission staff is expected to prepare senior leadership to engage in a negotiating or mediating context.
- Finally, the training reaps its benefits when the participants have the opportunity to mirror their training experiences by getting exposure to senior negotiation and mediation practitioners. Ideally, these practitioners represent various fields: political affairs, development aid, peace mediation, security sector capacity-building, hostage negotiation etc.

IV. OVERALL OBJECTIVES

The aim of the course is to enable participants to ameliorate their ability to:

- Explain the key elements of effective negotiation and mediation processes;
- Choose the right tools and techniques that are applicable, available and suitable to the situation;
- Test their own strong and weak competences in applying the above and recognises the competences of others.

By being more consciously aware of the different approaches/methodologies, the differences between various methods, by being provided with practical tools and sharpening one's micro-skills, participants will be more effective in achieving the political-strategic objectives of the various international crisis management missions through their enhanced skill-set in negotiation and mediation.

The objectives are outlined below with 4 main learning objectives and complemented by specific learning objectives. By the end of the training, participants will be able to:

- Discuss ***experiences in negotiation and mediation in crisis management efforts*** (EU, OSCE, UN, AU – to be amended where appropriate) and the mediation support that several international organisations provide;
 - Describe crisis management procedures of a selected Regional Organisation
 - Review 'negotiated context' at political-strategic, operational and tactical levels in crisis management missions;
 - Identify key stakeholders in crisis management decision-making;
 - Recognise efforts of selected Regional Organisation in third-party mediation;
 - List local and international capacities for mediation and mediation support.

² This is distinct from Mediation Support. Mediation Support refers to deliberate efforts by certain actors (e.g. UN and EU) to support active negotiators or mediators in a particular peace process. This support can refer to financial, political or technical support. Whereas a training in N&M could be a mediation support activity, this training does not intend to particularly address Mediation Support as such.

- Apply individual **skills and competences in negotiation and mediation** in real-life situations;
 - Order negotiations and mediations into positions, interests, needs and values;
 - Sketch Best Alternative to a Negotiated Agreement & Zone of Possible Agreement (BATNA/ZOPA);
 - Chart various distinct phases in any negotiation or mediation process;
 - Employ more confidence and effectiveness in (international) negotiation and mediation settings;
 - Use a variety of conflict-handling styles to different negotiation situations;
 - Apply skills and competences³ in realistic crisis management situations;
 - Use tips and strategies for negotiators and mediators;
 - Infer cultural differences and relate these to negotiation and mediation processes.

- Examine the **key concepts and practices of successful and sustainable negotiation or mediation** outcomes (e.g. a peace agreement and its implementation);
 - Verify definitions of what is negotiation and what is mediation;
 - Distinguish between negotiation and mediation approaches and decide when to use/apply which competences, tactics and processes;
 - Uncover concepts of negotiations and identify different negotiation settings;
 - Uncover concept of mediation and know how to facilitate a mediation process;
 - Deduce and appraise cultural differences in negotiation and mediation processes;
 - Detect psychological processes in general and individual reactions to negotiation and mediation situations specifically;
 - Contrast the role, mandate and attitude of the mediator compared to the negotiator.
 - Detect entry points for mediation/mediation support

- Design **advices on negotiation and mediation activities** for engagement in local, national and international negotiations and mediations in the context of international crisis management missions;
 - Discover different situations and construct strategies accordingly that enable effective negotiations and mediation;
 - Predict bargaining tactics of parties and respond to these effectively;
 - Formulate the position and requirements of a Head of Mission;
 - Propose strategic advice to a Head of Mission on negotiation and mediation interventions;
 - Assemble lessons learned from the training in your own context.

³ Please refer to paragraph VI for a detailed description of essential and desirable skills and competences.

V. TRAINING METHODOLOGIES

Since successful mediation and negotiation is heavily dependent on skills, in this training theory is followed by practical application, reflection and joint drawing of lessons and good practices. It ought to follow the principles of experiential learning⁴, and draws by consequence heavily on exercises, simulations, discussions and interviews. The outcomes are used by the trainer(s) to make the more theoretical concepts known and understood. In the end, the training is to equip people with a comprehensive skill-set comprising *technical skills, tools and competences*.

The 4-day programme comprises a variety of formats in a flexible way. This includes at least:

- Selective interactive introductory and reflective lectures/presentations;
- Numerous feedback and reflection sessions in which, following the principle of experiential learning, the theoretical and practical concepts are further explained;
- Group assignments and discussions, including individual and small-group reflection on lessons learned;
- Variety of negotiation exercises and roleplay;
- Variety of mediation exercises and roleplay;
- Individual learning and self-assessments;
- Exposure to senior practitioners and experts.

In the reflection and feedback sessions, the trainer(s) will focus on the competences of individual participants as well as on group processes. In many negotiations there do not need to be winners and losers – all parties can gain. Rather than assuming that negotiations are win-lose situations or zero-sum games, negotiators can actively look for win-win solutions – and often they will find them. The same goes for mediation, in which the mediator assists the parties in a negotiation process to move towards the win-win direction.

Developing the understanding of different negotiation and mediation techniques as well as that of personal, cultural and psychological characteristics is essential in successfully delivering this training.

⁴ Experiential learning is based on the model by David Kolb wherein each individual's learning preference is catered to: activist, conceptual, reflective and concrete learning behaviour. The 'retention of learning' using such approach is substantially higher than classical frontal teaching.



VI. SKILLS AND COMPETENCES

A key factor in training on negotiation and mediation is the focus on skills and competences, and the strengthening thereof by the individual participants. This section outlines the essential and recommended skills and competences to be trained in this training course. It is stressed that the trainer(s) focus(es) on individual and group feedback and reflection with respect to these skills and competences throughout the training.

In some ways, a skill and a competency are similar. They both identify an ability that an individual has acquired through training and experience. But the two concepts are distinct.

Skills

Skills define specific learned activities, and they range widely in terms of complexity. Knowing which skills a person possesses helps us determine whether their training and experience has prepared them for a specific type of work/function. In other words, skills give us the “what.” They tell us what types of abilities a person needs to perform a specific activity or job.

Competences

How does an individual perform a job successfully? How do they behave in the workplace environment to achieve the desired result? Competences provide us understanding on “how” a person performs and how he/she translates skills into on-the-job behaviors that demonstrate the ability to perform the job requirements competently. Competences hence include both abilities and behaviors as well as knowledge.

Essential

- Relationship building skills are necessary to develop a basis of trust or a common ground for the negotiation to take place. While investing in relationships as a starting point for negotiations is mostly associated with people-oriented cultures, negotiators must be aware of the possible risks of not investing in a relationship with all parties. Examples of relationship building skills can be small talk, asking questions (about other topics rather than the subject of the negotiation) and self-disclosure: the process of sharing information about yourself to make yourself known to the other, thus creating a basis for trust and reciprocity.
- Exploration is an information gathering competence, used to better understand both the position of the other and find possible solutions for the negotiation process. It is a core characteristic of effective negotiators. The most common form of exploration is the use of open questions (e.g. “what do you think of option A?”) rather than closed, or leading questions, that are already make a selection of answers beforehand. Open questions are an important tool, also because asking them conveys to the other parties that you are interested in their positions.
- Active listening is a very valuable competence for any professional, and also for mediators. Active listening is more than just listening: it is letting the sender know that you correctly understand the message he or she is trying to convey. Active listening consists of several communication skills: asking (follow-up) questions, summarizing and

paraphrasing of the message to let the other party know that you understood the message as intended. Not feeling heard can be detrimental to any negotiation or mediation process, and feeling listened to is almost always a prerequisite for any party before working to any kind of solution.

- Assertiveness - in terms of communication - is defined as the ability to express one's rights to another party, without apologising, even when the message is one that the other party does not like or want to hear. It is not the same as aggressive communication, as assertive communication maintains respect for the personal boundaries of the other person. A negotiator needs to be able to be assertive, especially when dealing with people or parties who try to put blame on you for their problems or display strong al behaviour towards you.
- Patience is the ability to endure under difficult circumstances, for example provocation or (deliberate) delay, without displaying annoyed or angry behaviour. Effective negotiators must be able to express patience when they have to reach their goals in the face of parties who have less interest in a quick or favourable outcome of the negotiation process.

Recommended

- Empathy is defined as the ability to recognize emotions that are being experienced by another party. It is different from sympathy, where you also feel concerned or compassionate for the emotional state of the other. In negotiations, empathy is a key competence, as it can both help to correctly interpret the message another party is trying to convey and aid you in finding the right strategy to reach your goals.
- Judgement is the ability to make decisions, based on the evaluation/analysis of both the content and the process of the negotiation. Effective negotiators are characterised by the ability to analyse a lot of input in a relatively small amount of time and, based on that analysis, make the best possible decision. Not necessarily for themselves, but rather also for their constituency.
- Emotional control is an important difference between the average negotiator and the skilled negotiator. It is always possible to become emotional during a negotiation, ranging from irritation for example because of slow progress, rage caused by insults or betrayal, sadness because you are not being listened to, etc. To become a skilled negotiator it is vital to recognise your emotions, where they come from and how you can control them and ideally, use them in your advantage.
- Planning is defined as preparation and organisation of a negotiation process. Effective negotiators think not only about the setting of the negotiation and their own interests. They try to get to know as much as possible about the positions, interests and needs of the other parties and their constituencies. Having a fall-back option or "plan B" is also strongly recommended in (multi-party) negotiations.

VII. BIBLIOGRAPHY

EU documents

- EEAS, Global Challenges and Trends in International Peace Mediation and Diplomacy: A Background Note
[http://eeas.europa.eu/archives/docs/cfsp/conflict_prevention/docs/20160519-global-challenges-and-trends_final_en.pdf]
- Factsheet EU Mediation Support Team
[http://eeas.europa.eu/archives/docs/factsheets/docs/factsheet_eu-mediation-support-team_en.pdf]

UN and other organisations' documents

- UN ITS/DPKO, Pre-deployment training materials on Negotiation & Mediation
[<http://repository.un.org/bitstream/handle/11176/89584/STM%20Military%20Expert%20on%20Mission.pdf?sequence=1&isAllowed=y>]
- UN Guidance on Effective Mediation [downloadable from the Peacemaker Website as well as other useful resources on the page <http://peacemaker.un.org/resources>]
- OSCE Mediation and Dialogue facilitation Field Guide,
[<http://www.osce.org/secretariat/126646>]
- Lakhdar Brahimi / Centre on International Cooperation NYU, The Seven Deadly Sins of Mediation
[http://peacemaker.un.org/sites/peacemaker.un.org/files/SevenDeadlySinsofMediation_BrahimiAhmed2008.pdf]

Academic references

- Roy Lewicki, Strategy and tactics of integrative negotiation, incl. self-test
- [http://highered.mheducation.com/sites/0073381209/student_view0/chapter3/multiple_choice_quiz.html]
- Raymond Saner, The Expert negotiator
- Roger Fisher and William L. Ury, Getting to Yes: Negotiating Agreement Without Giving In (1981)
- William L. Ury, Getting Past No (1991)
- Christopher Moore, The Mediation Process: Practical Strategies for Resolving Conflict