

Chapter 2

A Practical Model for Diplomacy and Negotiation: Steps 1–3—The Preliminary Stage

Extract Chapters 2 and 3 propose a specific model for NGOs to consider when engaged in diplomacy. Steps 1 through 3 in Chap. 2 focus on the pre-negotiation period when proposals for negotiation are considered. Of special attention are the concepts of the study group and the decision memo. The former is a team that examines whether a diplomatic initiative is feasible and may present a plan of action. The latter is a tool for more senior decision makers to examine options presented by the Study Team, as well as the risks and potential rewards of success.

2.1 Introduction to the Model: Three Phases

There are three phases to any negotiation: (a) pre-negotiation, (b) actual negotiations, and (c) post-negotiation or implementation. Chapters 2 and 3 cover a practical model for these activities. Chapter 2 covers pre-negotiation work and the process of deciding to engage in a negotiation. Chapter 3 covers the negotiation process, with recommendations on the formation of a delegation, as well as strategy and tactics. This chapter also includes thoughts on how various international instruments like declarations can be of value to NGOs. Chapter 4 covers the post-negotiation period, which often means finding ways of implementing an agreement or, in the case of an unsuccessful negotiation, rethinking the process. This model also contains a structured series of steps across the chapters to manage the phases, each of which involves many players, especially the “team leader” and the “chief negotiator.” In this book they are different people because the functions are different, though circumstances could justify combining them; however, regardless of the circumstances, keep in mind that the roles are different, even if done by a single official (Fig. 2.1).

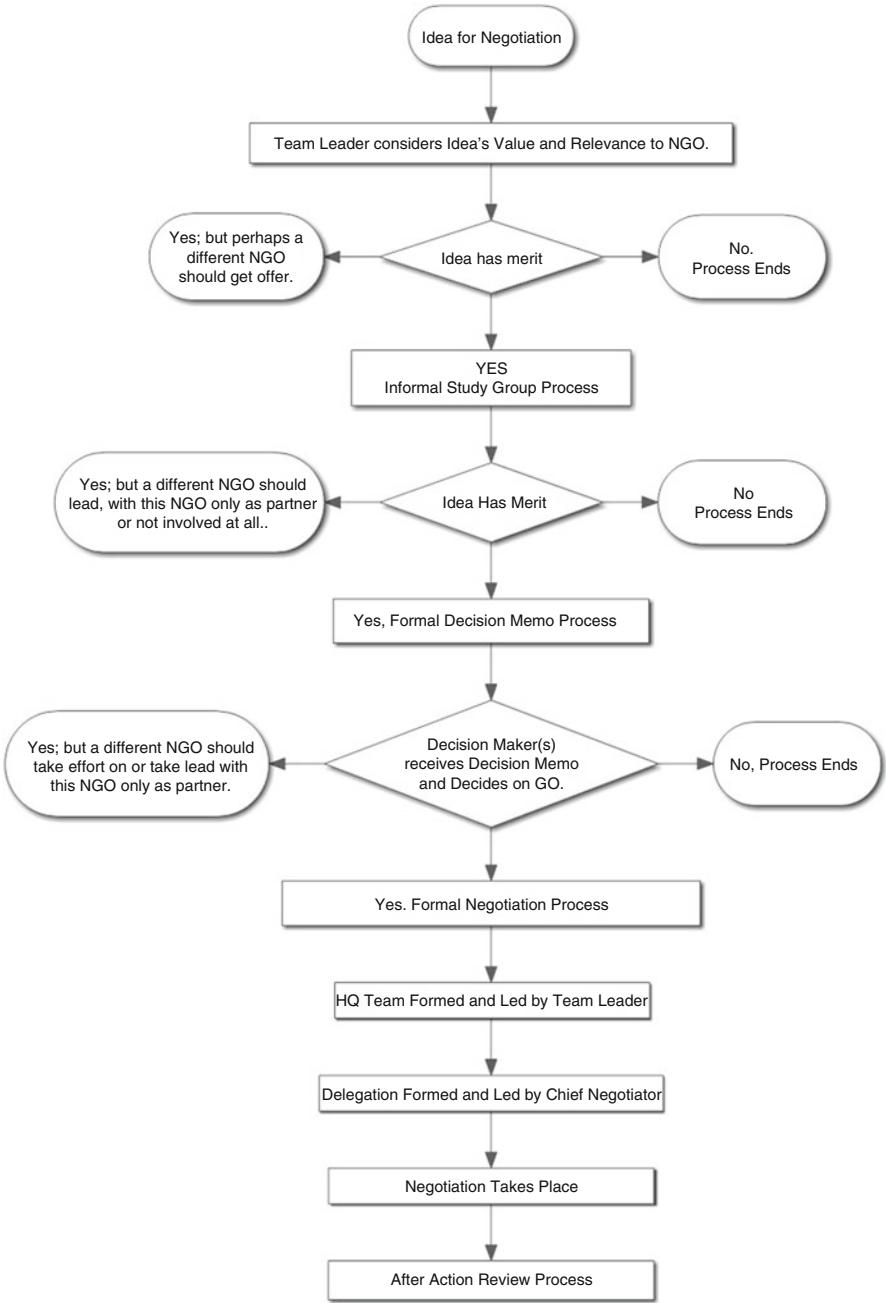


Fig. 2.1 Model for managing new ideas

This book concentrates on how NGOs of any size and the Major Groups described in the UN's Agenda 21¹ strategy can use diplomacy to create strategic change, as well as gain agreement on important tactical issues. **We want to emphasize that any NGO of any size should be able to use our techniques, though those with fewer resources and smaller staffs may need to operate in coalitions. Coalitions are not a sign of weakness. They actually can build a stronger program by combining the relative strengths of many players, so large or small; we recommend all NGOs consider them.**

The approach we suggest also requires engaging in what are known as Track Two and Multi-Track diplomacy techniques (see Sect. 7.2). One expert with extensive experience in the Red Cross and the European Commission (ECHO) said “for many humanitarian workers diplomacy comes second to humanitarian principles and that agencies are having difficulties finding the correct balance between the two.” The authors believe that the two concepts are actually not contradictory and can be done in balance. It is certainly also true that diplomacy is often uncertain and can be very frustrating. There is no magic pill, but NGOs who engage in true diplomacy have the opportunity to influence true behavioral change. What we propose is a model to consider accomplishing that goal.

Many NGOs specialize in lobbying, frequently an effective tool for change. One of the most famous and interesting such NGOs was WSP (Women Strike For Peace), which in November 1961 mobilized 50,000 women to enter the streets of America in order to strike against nuclear proliferation and to encourage effective peace negotiations between the Soviet Union and the United States. The strike was unprecedented and showered a public light on the national security risk to children from milk polluted by above-ground nuclear tests (Swerdlow 1993). Although such activism is truly heroic and needed, formal negotiations are also needed to build on attitudinal changes caused by lobbying and to achieve better local, national, and international rules, standards, and penalties. Those achievements could put an end to nuclear proliferation policies which can unintentionally harm the environment or lead to nuclear holocaust. Negotiations with political and administrative leaders can also put a stop to intentional harm, such as child abuse, solitary confinement of prisoners, gender abuse,² and torture, or establish minimum income levels and standards for treating refugees. In the conservation arena, intentional harm is an issue requiring negotiations to end specific practices like whale hunting, bear baying, and cock fighting. In the cultural arena, more effective rules and standards of care could deter abuse of historically and culturally important artifacts like the famous Buddhas of Bamiyan نايما بى ياه تىب, two monumental statues carved out of mountainsides in the sixth century AD in Afghanistan and later blasted by Taliban tanks. Historical artifacts must be protected from looting (Cuno 2008), an important humanitarian

¹Agenda 21 is “a comprehensive UN plan of action to be taken globally, nationally, and locally by organizations of the United Nations System, governments, and major Groups (including NGOs) in every area in which human impacts on the environment” (DESA 2009).

²In 2012 one of the emerging gender abuse issues has to do with prejudice against transgender women, a scientific condition that is still poorly understood by many humanitarian professionals.

issue because this activity helps us retain the definition of who we are as a people. In other words, lobbying and diplomacy are partner tools. In a coordinated humanitarian strategy aimed at fostering sustainable societies, each partner may have a slightly or even dramatically different mandate but should be willing to work collaboratively for a common goal. In that vein, the best way to preserve fragile societies is to not just look at the preservation of people as biological entities. The book takes the position that the entire environment must also be protected; in addition to lobbying, that requires actual diplomacy between nonprofits and governments, as well as international organizations. This is one of the reasons that we encourage the use of NGO coalitions. They add monetary and staff resources. They also build a strong political fabric and encourage fresh thinking.

The handling of livestock in emergencies provides an excellent example for a coordinated humanitarian strategy, in this case linking humanitarian and animal welfare NGOs, UN agencies, and national authorities. Burma uses cattle instead of tractors to harvest rice, so when Cyclone Nargis struck in 2008, it left a path of destruction across the country and seriously threatened the rice crop, especially when thousands of cattle were wounded. One of the coauthors worked on relief coordination out of Bangkok supporting veterinary teams sent to Burma, including veterinarians from New Zealand, Australia, and Asia, which worked in partnership with the UN's Food and Agriculture Organization (FAO) and local government officials. If the cattle's condition had been left unchecked, the people would have starved and Burma could have become a net importer of rice instead of keeping its traditional role of net exporter. That required animal welfare experts working alongside doctors, nurses, and other humanitarian professionals. In some countries like Albania in 1991³ and Somaliland in 2012, over 80 % of personal income came from livestock. Indeed, of the billion poorest people in the world, over 800,000 totally depend on livestock for a living. In other words, protecting livestock is a tool for protecting the human economy; yet often animals are at risk, not so much out of neglect but due to the moral conflict of balancing human and animal needs. Burma shows that a balanced, holistic approach is needed for humanitarian development. To develop that strategy, NGOs from traditional humanitarian sectors like public health and gender protection sat in meetings with animal welfare experts in Bangkok and developed a common plan of action. They recognized that modern relief operations often require going beyond the protection of the human body. They must include the entire human economy and culture "as a system." The same point could be made for integrating the protection of historical monuments, centers of learning and record keeping, places of worship, industrial centers, etc. Protection of people in crisis also has to be about more than just protecting the body from rape or a country from plunder. *It must be about the protection of the wholeness of a civilization.*

Gaining agreement that an NGO will be part of the overall strategy requires defining permitted work, the territory in which it is done and protections provided NGOs doing the work. Doing that kind of negotiation is diplomacy, not lobbying.

³When Roeder went to Albania during the fall of communism, he examined the quality of labor so that proposals could be made to improve the quality of life that did not require jobs to which Albanians could not apply.

Case Study of a Coalition: Solitary Confinement in 2010

The treatment of prisoners, be they prisoners of war, political prisoners, or criminals, has long been an area of NGO concern, e.g., by the John Howard Society. In January 2010 in the US state of Maine, the American Civil Liberties Union tried to end the practice of solitary confinement, but their mandate was broader, so they reached out to the National Religious Campaign Against Torture in Washington DC, knowing that the NRCAT had recently included solitary confinement in US prisons. NRCAT itself gets involved in different states for a variety of reasons, sometimes because there are already legislative efforts underway that they want to support or sometimes the NRCAT has a strong membership presence in a particular state and they ask them to take the lead in starting something if someone else like the ACLU already engaged.

In Maine, legislative advocacy⁴ had already originated with the ACLU of Maine (the ACLU headquarters has a National Prison Project which advises the state affiliate offices—so many of the state ACLUs have taken an interest in this issue). The ACLU reached out to NRCAT for help, which in turn activated the Maine Council of Churches to engage the Maine religious community. There has also been a long-time Maine Prisoners Advocacy Coalition made up of prisoner family members, former prisoners, and other prison rights advocates in Maine, and they certainly have played a large role. Psychology and psychiatrist organizations also got involved, which was very powerful.⁵ Although this is a domestic example of a coalition of allies, it could just as easily have been anywhere in the world on a regional or broader issue. Following the success in Maine, NRCAT is replicating its work in California, Colorado, Illinois, New Jersey, New York, Oregon, Pennsylvania, Texas, and Virginia.

2.2 Steps to Success and Managing Costs

To make the kind of changes we propose, bilateral negotiations (NGO to government, NGO to UN, etc.) will be needed, which can be tough. Multilateral ones are the most difficult; yet they are often the most needed for the NGO community. That's because they can change the status quo across borders and regions. Negotiations might consist of initiatives conducted in the United Nations General

⁴Although the bill did not pass, the immense momentum that people of faith and other advocates initiated against solitary confinement did pay off. The legislature required the Maine Department of Corrections to review its use of isolation and report its findings. Accordingly, the department prepared a report that listed many recommendations to improve due process and other policies related to the placement of prisoners in solitary confinement. Prompted by those recommendations, the newly appointed department Commissioner, Joseph Ponte, cut the number of prisoners held in solitary confinement by over 70 % in 2011.

⁵The diverse coalition of organizations included the NRCAT, the Maine Council of Churches (MCC), the Catholic Diocese of Portland, and other organizations like Maine Civil Liberties Union, the Maine Association of Psychiatric Physicians, Portland NAACP, Maine Prisoner Advocacy Coalition, and the Maine Psychological Association.

Assembly (UNGA) to insert language an NGO cares about in a resolution to end torture or efforts in regional bodies like the UN Economic Commission for Africa (ESA), based in Addis Ababa. Each effort will involve a mix of governments, international organizations, other NGOs and industries, etc. These negotiations might even be done through a series of bilateral discussions that lead to large-scale negotiations in a special conference such as the one that led to the ban on land mines. Our proposed model can help any NGO of any size do those kinds of negotiations.

2.2.1 Step One: Is the Initiative Worthwhile and Feasible?

At the start, most diplomacy concepts lack cohesion. They are “ideas” and potential for constructive change, so they often need to be distilled and practicality challenged. To help, a team leader knowledgeable about his or her NGO’s priorities and limits should ask, “Is the concept worthwhile from a policy point of view and is it practical?” Most ideas will be worthwhile; what about the second part?

To answer the question, the team leader should insist that the strategic aim of the proposed negotiation be defined as narrowly as possible and fall naturally within his or her portfolio, e.g., shelters for disaster victims, abused women, flood relief, torture, and protecting historic sites. The goal should be worthwhile from a policy angle, perhaps to end all rape, but is the goal practical? Can one negotiation achieve the goal on a global scale or even create a practical mechanism to do the same? Perhaps a more manageable goal would be to have a regional or provincial limit. Some have accused the negotiators who created the League of Nations and the UN as failing. Each did generate an international organization, but neither ended war. While that’s true, remember that the goal wasn’t to instantly end war. It was to create a workable structure to reduce conflict, eventually ending war. Looking through that prism of gradual elimination, even though we still see conflict, perhaps the negotiations succeeded at least regarding global conflict. Only the future can tell if all war can be eliminated.

Assuming the goals are judged achievable in principle, practicality can have another meaning. Many diplomatic initiatives are “mega-projects” with many moving parts that depend on smooth interaction. A good example might be to negotiate a national banking system. To achieve the overall policy goal, distinct negotiations on different parts may have to take place by different delegations or officers within one delegation. Some may prefer helping commercial versus private borrowers or supporting exporters instead of domestic traders. That complexity will require significant coordination in the team so that no one negotiation undercuts another. Does the NGO or coalition have the required discipline and skills, or is it better to focus on a specific part? Then keep in mind that other parties may focus on the other issues that compete, i.e., enabling provincial lending structures in advance of a national system.

If the team leader feels that the project is not feasible as defined, then the decision is either to recommend no further action or perhaps (and often more likely) to



Fig. 2.2 A typical study group is informal, allowing a free exchange of views ((c) LRoeder 2012)

define the project more narrowly, making it easier to achieve at the negotiation table and reasonable to manage in the implementation stage, perhaps focusing on a small region versus a nation for example. Once the team leader concludes the effort is worth consideration as an official project, then it goes to step two, a study group.

2.2.2 Step Two: The Study Group Process

Coordinating relief operations or major diplomatic initiatives are major challenges, in part because of the diversity of issues, NGOs, governments, and international organizations involved. Coordinating a common diplomatic position within the bureaucracy of an alliance is no less of a challenge, and it is often the most difficult thing to accomplish in a negotiation project—more than the actual negotiation in the field. That’s because each partner office within an NGO or alliance partner brings different strengths and agendas, even if aiming for a common strategic goal. This is true whether at HQ or in the Field. A study group can help map out the path or paths to a successful strategy (Figs. 2.2 and 2.3).

Hans Zimmermann from OCHA told us this story.

Coordination is indispensable, but partners will only cooperate if they derive a benefit from it. An example from Liberia: Some visitors from UN HQs expressed their surprise after sitting in at a coordination meeting I had convened—because all the NGO and UN agency leaders working in Monrovia attended. How did I convince everybody to participate? I told

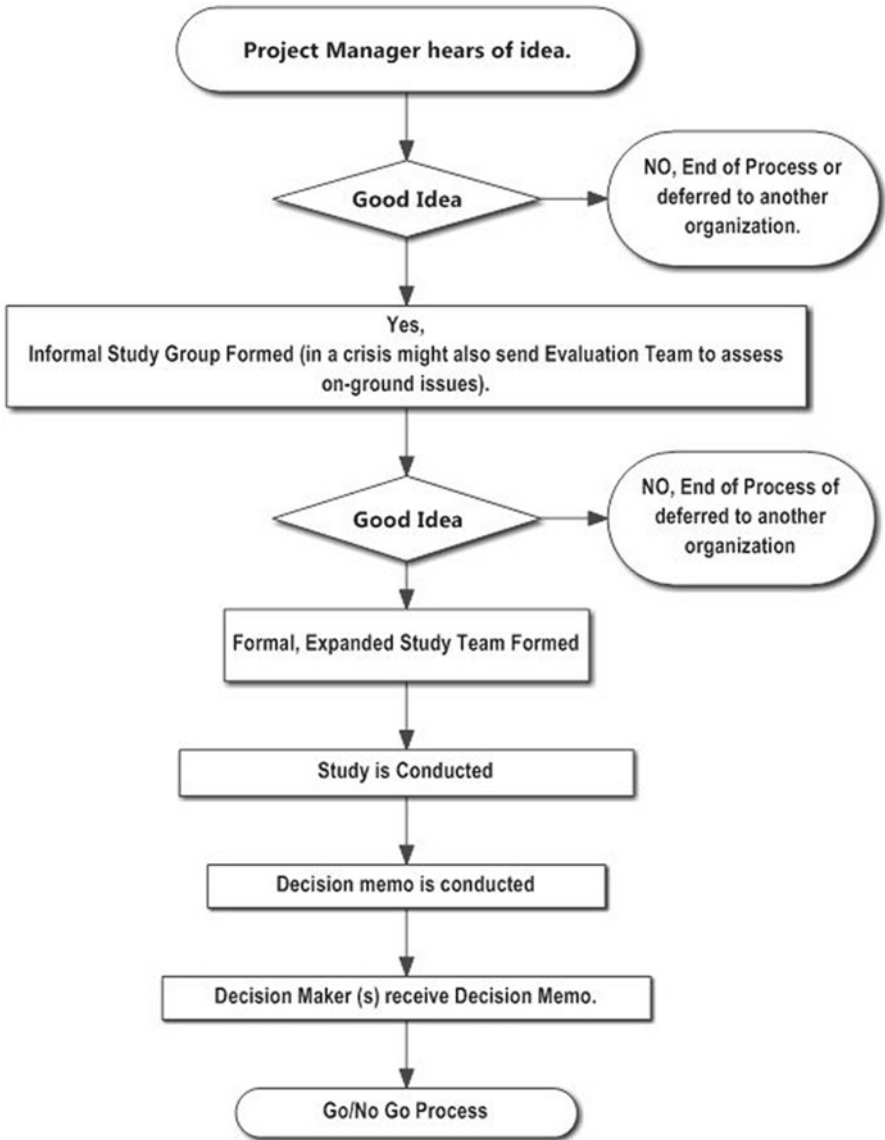


Fig. 2.3 Study team process

them my “secret”: These meetings were the only opportunity to get help from each other. My office had the only working international communications (an early Inmarsat “A” telephone and Telex line—at 50,000 dollars for the equipment and 8 dollars per minute for calls, communications was unaffordable for any NGO at that time). The Red Cross had the only functioning medical service, ships chartered by WFP brought the only diesel fuel available and operated the only gas station in town, and so on. Coordination was vital for everybody, and everybody understood that. Coordination brought added value, and attending the meetings was not seen as a waste of time (as such meetings often are) (Zimmermann 2012).

The initial discussion about possibly negotiating an agreement could easily have happened through an informal gathering of friends from different NGOs that share a common agenda. Perhaps they all work on food security issues, though from different angles. The model has the team leader form a study group to refine the proposal, initially using staff from the team leader's NGO, because its reputation will be on the line. The friends might also be invited. On the other hand, if the NGO is already working within an alliance, the members should also probably come from a variety of friendly NGOs. Regardless, hard questions about the project's goals will help define negotiation boundaries and reality. The questions are very much the same as initially examined by the team leader, but a larger group is now involved, consisting of:

- *Negotiation Expert.* The negotiation expert is just an adviser and need not be the actual officer chosen to lead the negotiations.
- *An Administrative Officer,* as well as an expert on communications, both with experience in international negotiations.
- *Officials* from the fund-raising office.
- *Topic experts,* perhaps a legal adviser, perhaps a regional office in order to deal with issues of context.⁶ Some study groups will have subcommittees dedicated to specific parts of the puzzle, drafting, administration, background studies, etc., all reporting to a master committee. Whether this occurs or not is entirely a matter of choice and usually dictated by the complexities of the issues, other special circumstances, and the availability of resources and time.

Note As described, this model may appear to work best for a long-term concept, like negotiating a declaration or setting up a public diplomacy campaign, and because fact finding can take time, some may consider it too much for an emergency operation; however, though time is compressed in emergencies, the same essential concepts exist, the same need to ask proper questions before making a go decision. Indeed, in an emergency, there may even be a larger need to delay action until an assessment mission can report back on the actual on-the-ground situation. See discussion on Operation Gwamba.

If feasible, the topic experts should also bring representatives of the targeted audience into the discussion. For example, if the idea is to protect transgender refugees, consider inviting transgender survivors; their experiences will put the issue into perspective, though getting the interviews will take time and delay a final decision on the initiative. Livestock can't talk for themselves, native herdsmen or commercial ranchers might. The point is that when designing policies to implement in any particular region, one must keep in mind local norms. It is fine to try to change such norms, but keep in mind that if the proposed policy is going to receive resistance from the residents, perhaps for cultural or religious reasons, that can seriously impact the project's sustainability.

⁶Some will be tempted to exclude offices that are only tangentially impacted by the subject to be negotiated. Caution is urged. A study group can become unwieldy if too big, but its results might be disrespected by those left out of the discussion. There is no metric here other than the founders of the study group must try for as representative a group as is practical, and before deciding membership, first weigh the potential negatives whenever someone or some organization or office is left out.

SWOT Essentially, the study group does a SWOT analysis. Some version of this analysis will also reappear in the decision memo, and then after negotiations are concluded, the team reassembles to review how negotiations went. All SWOT analyses are about the same.

- **Strengths:** Characteristics of the idea that give it an advantage over others; even if the negotiation succeeds, what about the team that might be assembled to implement the deal? What are the team advantages?
- **Weaknesses** that place the initiative as a concept and team at a disadvantage.
- **Opportunities:** These are external forces that could help, perhaps some political movement in a targeted country that could build local allies.
- **Threats:** These are *external* forces that could inhibit the project, perhaps a local disease outbreak, religious/cultural constraints, and economic sanctions.

When doing the SWOT analysis, use our Situational Matrix tool or a similar device.

The Options The study group has three options: (a) drop the idea as not feasible, (b) turn it over to a more appropriate NGO or group, or (c) decide to ask the lead NGO's decision maker to make the effort an official project, with all of the implied financial and political ramifications. Every NGO has a different decision maker, perhaps the CEO for a small one, perhaps a senior manager who can commit staff and money across office lines, and perhaps even a board, depending on the size of the endeavor.

2.2.3 Two Sets of Questions Need to Be Asked in Steps One and Two

Question Set One for the Team Leader and Study Team

1. **What is the negotiation's purpose?** The first question is one of definition. What is being accomplished? While most NGOs involved in negotiating an end to the use of land mines wanted to also end war, the negotiation was about the former, not the later.
2. **Why is the idea relevant?** Even if laudable, if the negotiation is not a good fit with the organization's mandate or resources, perhaps another NGO should lead. After all, no one NGO can do everything. In other words, this is about strategic thinking. Frequently a department in a for-profit corporation will focus on the inherent value of its product, then when trying to move the larger corporate machinery to expand sales not taking into account the many other products made by the corporation or not taking into context whether there are enough consumers to buy the department's widget. Just because a product is good doesn't mean people will buy it, as the Ford Motor Company discovered with the Edsel. If the management of a for-profit corporation doesn't ask the same kind of question and do the proper studies to answer the question correctly, it risks expending enormous resources with no return. Do that enough times and a corporation will go bankrupt. A nonprofit corporation must think in similar terms, even though the motivation isn't profit.

3. **Is the world ready for the idea?** Even if a good concept, is the world ready for it? Would it be better to start small and build? Perhaps an agreement to protect a plant species in one country because of its food value is a better first step than trying to convince the world to protect the species everywhere, even though that may be the underlying, strategic aim.
4. **Who are the potential allies and foes?** Who or what might benefit or be harmed, and why? Who or what is undecided about the idea, and why? As any politician will note, an undecided person or organization is an opportunity to gain an ally. Foes can be turned around sometimes by understanding their problem and providing a solution. That's the basis of legislative negotiation in any Parliament. Try using a situational awareness tool such as that described in Chap. 3. Remember as well that the "who or what" includes animals, people, structures, industries, and organizations.
5. **What has happened before and why?** Precedence helps define probabilities of success or failure, the required resources, types of allies, and required tools. However, lack of precedence does not mean a no-go.
6. **What price failure?** Can the lead organization or coalition handle a loss of income or reputation if the negotiation fails?
7. **Are lengthy negotiations feasible?** Persuasion is a process, not an event. Will the NGOs staff, allies, and donors stick with the project if it takes a long time? Is it affordable?
8. **Is the public supportive?** If not, a public diplomacy effort may be required.
9. **What resources will be required, what people and money?**

These questions are not usually done in an afternoon, though in an emergency of course, they are done with dispatch. This is about positioning the initiative in a strategic context and building a path to success, so finding the best answers may well require a lot of preparatory work, for example, advance informal consultations with experts outside the lead NGO and its allies—just to get all of the facts straight. Another preparatory work that will have to take place will be *recruitment of financial donors*; they probably won't join without seeing the study first. They mostly come in after the decision memo phase; the decision memo must reflect the feasibility of them joining and under what circumstances. Consideration of recruiting allies also takes place before the decision memo phase; if traditional friends are reluctant to share resources and reputation, the decision memo must reflect that.

Briefing Tabs The study group should develop short Briefing Tabs that explain crucial elements of the proposal as background for the decision memo. For example, if the NGO wants to prevent abuse of women in a province, one paper should locate the province and explain the history of abuse. There is no hard rule on length; short Tabs are preferred because decision makers and delegates to a conference will have limited time to read. In looking for precedence for similar bodies, we discovered that the study group used by the U.S. Delegation to the Paris Peace Conference developed pamphlets of 10,000–15,000 words; that was far too much to use in a conference room, so negotiators relied on a small three-ring binder with position summaries known as the Black Book (US Department of State 1942a, p. 11). A single page is best on each issue, certainly no more than five for a very

complicated issue, plus illustrations, maps, etc. It did make sense for the U.S. Delegation to the Paris Conference; they were trying to redesign a world, with borders that were bound to be controversial.

2.2.4 Question Set Two: How Will the Goal Be Achieved?

A: Does the NGO or coalition have the resources, experience, and training in multilateral negotiations and strength of will to sell the initiative in tough times? (Use the *Data Fusion Matrix* in Sect. 3.1). If all of these are not present, the lead NGO risks, weakening its other programs and its reputation; this is not an argument against being bold. Brave policies are needed in the humanitarian world, and an organization reluctant to take calculated risks should not do diplomacy. However, if analysis shows success is not likely, it may be more appropriate to redefine the mission with achievable goals that lead over time to a significant strategic objective. Caution and asking tough questions are thus hallmarks of the wise. Put another way, suppose that the goal is to amend the charter of the Organization of American States (OAS) in 5 years. The amendment is intended as well to protect all farms in Latin America from genetically modified seed. In such a case, while the goals are laudable, they might be unattainable with the resources, allies, and skills at hand. The goals are laudable, might be unattainable with the resources, allies, and skill sets at hand. A more prudent approach might be to narrow the scope or lengthen the time line, perhaps establish a set of intermediary agreements or precedents that can be a framework for a long-term plan. Prudence may not have the high drama of “trying for it all” at once or the spirit of “punching above our weight,” but remember the clients, especially if they are unable to speak for themselves. That is the job. Which is more important, ego or success? Multilateral diplomacy should not be driven by fund-raising or bragging rights. It should only be about success.

Expectations Once goals are set, donors will require success within their definition of a “reasonable time frame,” so will political allies. An example could be preventative diplomacy. In order to prevent ethnic strife from erupting into war, dispute resolution measures will be required, perhaps poverty eradication programs and efforts to reduce corruption and inequity in the social or economic fabric, perhaps building bridges between opposing factions or tribes. One NGO or coalition is unlikely to be able to handle all of that, so the team should examine the overall context into which the negotiations are set, and then establish a plan that manages expectations, keeping them realistic. The HQ Team should also be comfortable with donor time lines as well as those set by the Study Team in the decision memo. This is very important because once on the road, if it becomes obvious success would not occur as planned without more resources; it may prove difficult to acquire more funding, forcing budget reductions of internal programs, which can undermine internal morale and donor support for the rest of the NGO. Failure of a strategic objective under those factors can allow another NGO to take over elements of the lead’s corporate portfolio, and since its reputation might be damaged, there is a risk of not acquiring a

second try for other strategic goals. Put another way, the Delegation needs to understand what level of support it will receive from the HQ team and its donors. Not every negotiation is of the highest priority, and every negotiation will have budgets and time lines. The decision memo should identify these things.

It does not take a genius to call for action.

Genius is turning action into victory.

B: Assess your allies' abilities and willpower and those in the multilateral community, industry, or particular governments which have a contrary point of view. This isn't about finding "something wrong." NGOs are diverse, even within a common field of endeavor, so a discussion of their distinctions is an appropriate action that could avoid future problems. Just as self-analysis of a lead NGO's resources, core mission, and abilities must be objective and accurate, so too the analysis of allies and those who differ must be demanding and unrelenting. Not taking the time to study and fully grasp their true strategic objectives risks failure for the project. These questions should be asked very early on before any potential ally is engaged and answered in the study and reflected in the decision memo. After all, even friendly NGOs compete for scarce resources and, in order to protect their reputation and their own ability to garner support for future projects, will be jealous of "their territory." European and US NGOs typically see cooperation with governments differently, with American NGO's being more willing to work with governments. While international NGOs and indigenous NGO should collaborate, they operate within different political orbits, so the inherent political, cultural, and economic stresses will be different. That can have a major impact on cooperation, in a sensitive diplomatic initiative, to say nothing of the fact that local NGOs often do not want to be "told what to do" by an international NGO. If the negotiation is going to involve field negotiations, international and indigenous NGOs might also have differing ideas about appropriate counterparts with which to cooperate.

- Just because one or more allies agree with the lead NGO's general goals "in principle" does not mean they will agree with a specific text the chief negotiator eventually decides to accept. If the allies then disappear will the final agreement matter; if the lead NGO feels this problem is going to happen, it may have to leave the defecting allies behind and push ahead. However, to keep the rest of the alliance in place and lay a foundation for a sustainable agreement, one that will be implemented, the lead NGO must also engage the donors and the public by managing their perceptions of the decision. Controversy does not mean failure. In fact, controversy is often inevitable, so perception management is nearly always essential and must be planned for in the public diplomacy part of the strategy.
- When picking allies, ask if they are chosen for political wisdom, technical knowledge, or negotiating skill. Will their abilities make them strong enabling partners; or are they mainly "names" to provide political credibility or access to funding?
- Will a disagreeing government or coalition member try to damage the lead NGO or its reputation? What is the plan for a counterapproach?

C: After reviewing points A and B, ask to what extent the true objectives of the other players are compatible with each other's and that of the lead.

- If the opponent's strategic objectives and those of the lead are perceived as totally incompatible, there is a risk of total failure because grounds are lacking upon which to build a viable compromise without also violating core principles. The solution for this problem is often to find compatibility by repackaging the question.
- If individual objectives differ between members of an opposing coalition (quite common), that is an opportunity to create "wedge issues," perhaps even compromises that do not undermine the core values of the team but can divide the loyalty of the opposition.
- Conversely, if the lead NGO's strategic goals rank as only tactics for an ally, which is often the case, the ally may depart from the field at a critical juncture, and especially if it feels its own strategic goals have already been met or could be more effectively met by different tactics. Always try to predict those goals in advance.

Note One of the most famous examples of why carefully choosing allies is important or at least understanding them (since you can't always choose your allies) and why compromise is also important was the negotiation for the Treaty of Peace that ended World War I. More will be said about the treaty in the Appendix; in simple terms, the conference had two purposes: to end the war and to establish a mechanism to prevent future wars, this to be called the League of Nations. On its face, the two purposes were complementary; in reality, they conflicted in dramatic fashion. Wilson mainly focused on the second goal, though he clearly cared about the first. The French, who had suffered the most in the war, primarily were interested in the first goal, and the president of France probably would have been happy to walk away with just that. As a result, looking at Wilson as a Negotiation Leader,⁷ his team had divided loyalties. Wilson's genius was coming up with the League and tirelessly negotiating it into existence, a noble deed; to achieve his goal, he had to compromise his core values with the French, who demanded total military capitulation from Germany and economic annihilation. John Maynard Keynes,⁸ who traveled in post-War Germany and was considered one of the preeminent economists of his age, argued that Wilson agreeing to excessive reparations would lead to a future war with Germany (Keynes 1920). David Hunter Miller, legal adviser to the U.S. Delegation, also recorded in his daily diary a lunch meeting with Keynes and others where he offered his own opinion that moderation was required for reparations (Miller, *My Diary At the Conference of Paris 1924*, p. 34 and 71). In the end, the compromise did achieve an agreement to form the League but perhaps at the high cost of denying its purpose.

⁷Wilson was psychological leader, but the negotiations were a summit, each head of state or government sitting as equals.

⁸Keynes was the official representative of the British Treasury at the Paris Peace Conference until June 7, 1919, when he resigned believing that terms of the treaty, especially the reparations being demanded of Germany, would lead to the ruin of Europe.

This question of ethical compromise caused one member of the U.S. Delegation to resign and the Secretary of State to later privately declare the League pointless. As an example, consider the Shantung issue 山東問題; Japan seized the Chinese province from the Germans and demanded control. China wanted the land back, which was the birthplace of Confucius,⁹ but Wilson went along with the Japanese, fearing that otherwise they would drop out of the conference. As a result, China felt slighted and refused to sign the treaty, leading members of the U.S. Delegation to be upset because the claim to the land was based on secret treaties, a concept of international law Wilson had been against.

The lesson for NGO diplomats and Study Teams to take from how the Japanese and French demands were handled is that even if the lead NGO's strategic goals are in full harmony with an ally's, there is still the risk that the ally will depart the field if the lead's means to achieve the common goal are felt to be incompatible with the ally's ethical frame or primary strategic goal. This does not mean the lead is unethical; Wilson was not unethical, but different NGOs with common strategic goals can still have different reasons for their existence or for being a part of a coalition. Ignoring that reasoning when an alliance is forged will create surprises at the wrong moment. Perhaps the lead wishes to work with a government or company that an ally refuses to communicate with. One of the most important ways to use this question is to determine if incompatibility is a problem of perception. What if (for either opponents or allies) the perceived differences can be bridged through careful wording that builds a paradigm where all objectives are perceived as compatible—even if different. If that paradigm shift can be achieved, the chances of success are increased. Of course, as in the Paris accords, Wilson had no choice but to work with France, though some have said Wilson also did not effectively use his military strength as a lever. In addition, the deal with Japan was more about economics and American desires to expand trade in Asia and the Pacific.

D: Having answered question A in the affirmative and understood B and C, the team should examine the tools to be used by the yet selected Chief Negotiator. (See discussion on role of Chief Negotiator.)

A lead negotiator for any topic makes the actual field decisions under the supervision of the Chief Negotiator, not HQ, but it is good for the Study Team to examine the following options in advance. To achieve strategic objectives in a negotiation, the negotiator will need to use persuasion, compromise, or direct action (threat, media stories, lawsuits, public diplomacy, etc.), using the right tool at the right time. This is why the Chief Negotiator should be experienced, especially when pitted against well-resourced institutions like governments. They have the power and the will, unless those strengths are reduced through “public diplomacy.”

The Study Group does not decide which tactics will be used, but does need to examine their potential value and make recommendations to a Decision Maker(s), with corporate responsibility.

⁹This was also the birthplace of the 1900 Boxer Rebellion.

2.3 The Study Team

A project manager (*referred to as team leader throughout*) will pull together an *Informal Study Team* of interested parties and decide after discussion about whether an initiative makes sense to bring to the attention of senior management for approval. As seen in Operation Gwamba (see Sect. 13.4), in an emergency situation this process speeds up and often involves sending out an evaluation team to report back on the situation. The term “Study Team” is generic and the period of operation will be dependent on circumstances; but whether deciding to intervene in a crisis or considering a long-term negotiation, some analysis will be needed by a team of experts before the decision maker(s) initiate action. Otherwise, the NGO risks major failure and in some cases will unnecessarily risk the lives of its teams, to say nothing of wasting funds.

Once the Informal Study Team agrees, a project should advance to the next level, sending a decision memo by an expanded *Formal Study Team* to senior management who makes the GO/NO-GO decision. Senior Management includes the CEO of an NGO or the CEOs of an alliance of NGOs, probably also the directors of financial resources, media offices, etc. Whereas the *initial team* mainly had a substantive interest and needed to answer the practical question of whether the initiative was a good idea, management has a fiduciary responsibility and must protect the reputation of the NGO(s), both of which protect an NGO’s sustainability. In addition, other projects could be impacted by the proposed initiative. The decision makers are also busy, so should not be in the Study Team. Further, because their responsibilities are corporate, the Formal Study Team must take the time to gather all of the facts and analysis required to make a decision; therefore it consists of officers from any relevant office.

2.3.1 The Study Team Must Ask Hard Questions

Throughout this book are references to the various tasks a Study Team will encounter such as preparing a Communications Package that will enable the Delegation to effectively project its point of view. In addition, much reference is given to asking hard questions about potential adversaries. Disaster can emerge from the failure to dispassionately do this. The point here is that while the initiative may be laudable, if success is impossible or hard to obtain, the team as a whole and certainly the decision makers must be made aware. It is also important to understand “the other side” or the views of partners, not simply to discover weakness that is to be exploited; also locate common ground upon which both may walk. With this in mind, consider International Humanitarian Law (IHL) as an example of a field of work full of controversy. More will be said about IHL in a later chapter. For now, however, in order to illustrate the importance of analysis, the terror bombings of Dresden on February 1945 is raised as precedent.

Hard Question Example: The Question of Dresden as Precedent

The fire bombing of Dresden has always been controversial, with good people disagreeing on whether what happened was a war crime, a crime against humanity, or just a terrible act. It is therefore a relevant event for preparing NGO diplomats for today's struggles involving violent risks to civilian populations in today's conflicts, be they international like the breakdown of former Yugoslavia and the invasion of Iraq or domestic disputes like the civil war in Syria. The discussion can be preparation for a study of the use of drones in the war on terrorism. With allegations of brutality come assertions of illegality; so envisage that an NGO coalition might wish to examine a contemporary conflict and say that the leadership is criminal and then try to convince a court in a friendly country or the International Court of Justice (ICJ) to take action against that leadership. One can always seek a political solution against a brutal regime of course, but what of criminality? Can a brutal leader or military officer be put on trial? The problem is that just because an act is deplorable or brutal doesn't make it illegal under international law. Brutality should always be deplored and can in itself be enough to warrant political action; but before an NGO attacks a government or some other entity as being criminal, make sure of the facts and the underlying law, not just the facts. Also, consider the range of opinions the community of historians and legal experts may have reached with the same facts.

To understand Dresden, start with Guernica, an essentially unarmed city in Spain bombed by the Germans just before World War II. The attack helped Franco win his civil war. There were two minor arms factories in the city; both were intentionally not bombed, whereas the rest of the city suffered so as to demoralize the civil population and influence the government to fall, what has been called by many experts a "terror attack." The attacks on Nagasaki and Hiroshima had similar purposes, not to destroy a major military target but to terrorize a national population and its government into submission. In the case of Dresden, this was one of the great German cultural centers and an "open city." Refugees fleeing the Russian advance stuffed its apartments and basements, and thousands of wounded German soldiers lay in hospitals and clinics. There was also a large POW presence. The city was destroyed by a firestorm created by massive British bombardments specifically designed to create the storm. The numbers of casualties are in dispute; but tens of thousands probably died. Dresden was also a communications hub for rail and did have an industrial complex; but the focus of the bombing was the cultural heart, a group of buildings and streets that were visited by generations of wealthy Americans and Europeans on their grand tour of Europe.

Any of these examples—Guernica, Hiroshima, and Dresden—bring strong emotions to the table, which is exactly why they are raised. Whether the attacks were required as a matter of military necessity is questionable; but in the heat of anger over the killing of civilians in a war, can analysis be accurate—the killings were illegal? Certainly, all the acts were very cruel. But all to one extent or another shortened a war. Didn't that save innocent lives? some experts ask. One shudders at the inevitable loss of military and civilian lives if Operation Olympus, the plan to invade mainland Japan with ground troops, had gone forward.

Recommendation The events are brought to the fore to note that they were controversial and that despite many decades having past, scholars still disagree, except that emotions are still very raw to this day. When contemplating an initiative on such an action, the Study Team should have on hand experienced legal counsel to offer an opinion and to continue to provide guidance to the NGO Delegation during the negotiations or field operation. Some experts are of the opinion that these events were not war crimes, arguing that it was not unlawful at the time to attack unarmed civilians; others feel very differently, that the bombings were crimes against humanity, with one expert saying that “international humanitarian law (IHL) has held that the indiscriminate killing of civilians is a punishable crime for several thousand years (Lamb 2012).”

Readers are reminded of the Hague Convention of 1907, which dealt with the bombing of undefended cities. Experts agreed when Guernica was bombed that the act was horrific and had seized the world’s attention, but as discussed in meetings in the League of Nations, the application of international law on this point was unsettled (Lapointe 1938, Sept 14). Though there were military targets in each city, Dresden was not particularly defended and was also a hospital for German soldiers, a sanctuary for German refugees, and a POW location for allied soldiers.¹⁰ The Convention of 1907 is still in force, in particular Article 25 on land warfare. Based on that, some experts consulted for this book felt Bomber Harris (Commander of the UK’s Bomber Command and designer of the Dresden attacks) did indeed commit a war crime. However the UK did not sign the Convention, so other experts would opine that the UK was not bound by it. The United States did sign but did not ratify, so the same logic may holds.

In other words, though the slaughter of many thousands of civilians may have been repulsive, for US and British forces, bombing of Dresden might not have been a crime, whereas the German bombing of Guernica certainly was, since Germany had ratified the Hague Convention. Further, in 1938 by unanimous consent, the Assembly of the League of Nations passed a resolution on the “Protection of Civilian Populations against Bombing From the Air in Case of War (Assembly of the League 1938, September 30).” While bombing a train station, rail lines and munitions factories would be legitimate; some would argue that Dresden was less about that than killing civilians (residents and refugees from the Russian front) and unarmed soldiers (convalescing from battle). In other words, the bombing of military targets was an excuse, not a primary reason. If that’s true, the bombing may have indeed been a crime. After all, the UK was then a member of the League.

The story however isn’t as simple as signatures. Upon the close of World War II, the allies set up International Military Tribunals to prosecute major war criminals. These took place in Nuremberg and Tokyo and declared the principles embodied in the Hague Convention, and Regulations on Land Warfare of 1899/1907 had, by the time of the outbreak of the World War II, been so widely accepted by states that they had become part of *international customary law*, *Jus Cogens* (compelling law). In addition to formal written international instruments, *Jus Cogens* is considered a primary source of international law by the International Court of Justice, the UN, and

¹⁰The novel *Slaughterhouse Five* by Kurt Vonnegut is based on the bombing, by the way. He was a survivor of the bombing.

many member states, though its application will vary. In other words, if bombing Dresden violated Hague in the context of “international customary law,” the decision makers could be brought to justice, perhaps the same for the destruction of Rotterdam and more recent attacks by the President of Syria on his own citizens.

Underpinning the discussion is the tension between law and contemporary morality, since that is what drives emotions like the revenge of Versailles, which led to an overreach in economic sanctions, setting the stage for the rise of the National Socialist Party in Germany or the Boxer Protocol of 1901¹¹ which led to the downfall of imperial China, abuse by Japan and western powers, setting the stage for the rise of Communism in Asia. In this hypothetical example, an NGO decided to pursue justice because of moral outrage. But are there moral counterarguments? Do they have equal weight or at least should they be considered? Even if the team doesn’t agree with the premise of a countering moral argument, it must be studied and understood. To do that, the authors consulted Marshall De Bruhl, who wrote a modern history of the Dresden incident. His book *Firestorm* includes an examination of the motivations behind the attack and some of the allegations of criminality. De Bruhl is considered an apologist for Bomber Command, concluding that no crime was committed because the bombing was required. De Bruhl also rejects Hague. In a discussion with the authors in 2012, De Bruhl said that “the relevant clause about aerial bombardment from the first of the Hague Conventions—the one in 1899—follows: *The Contracting Powers agree to prohibit, for a term of 5 years, the launching of projectiles and explosives from balloons, or by other new methods of a similar nature.* By “other new methods,” one assumes someone had in mind the newly invented airplane. So it seems the Hague Conventions of 1899 and 1907 said little about and did nothing to forestall the bombing of civilian populations. That said, I think linking Guernica and Dresden is just too facile. The first, we are told, was terror bombing pure and simple. And conventional wisdom has it that the Dresden raid was the same—a myth reinforced by Kurt Vonnegut and the disgraced historian David Irving. Indeed, I believed it myself when I first embarked on the research for *Firestorm* (De Bruhl 2006). But after months of research and reading through mountains of files at various archives, most notably the RAF files at the Public Record Office at Kew, I realized I was on the wrong track. Dresden was a militarily important city in Eastern Germany. The raids were a logical continuation of the air campaign to destroy Nazism and bring about the surrender of Germany. Another military historian, Frederick Taylor, has made the same argument. He and I both agree that the destruction of this beautiful city was one of the great tragedies of the war. But we came to the same conclusion ultimately. Dresden was a logical and necessary target” (De Bruhl, *Discussion of the Dresden Attack* 2012).

De Bruhl is making the argument, which justified the uses of nuclear power against Japan, that even though the loss of civilian life and culture was horrific, the acts shortened the war and the ends justified the means. But even were such an

¹¹The *Boxer Protocol* of September 7, 1901, was between the Empress Dowager of China and an alliance of nations that had invaded China in part to rescue diplomatic legations in Peking during the Boxer Rebellion. The powers were Austria–Hungary, France, Germany, Italy, Japan, Russia, the United Kingdom, and the United States.

argument logical, did the bombing shorten the war? Not likely in the case of Dresden. A better plan would have been to bomb oil fields, strategic factories, and rail lines. But even if De Bruhl was correct, is it ever permissible to cause such mass destruction of civilians? In this case, the Study Team must ask hard questions, be prepared for all counterarguments—offer reasonable answers as well.

2.3.2 *Keeping Your Cool*

Important initiatives draw great minds and strong personalities, and this often will cause frictions, even feuds. Be aware of this when assembling the Study Team and the delegation. The key is to understand that friction happens a lot and surprisingly will involve what are otherwise the best people; so preparation is encouraged. As an example, both Dr. Simard and Mr. Roeder were heavily involved in the development of GDIN, the Global Disaster Information Network, an idea proposed by Vice President Gore and his National Security Adviser, Leon Fuerth, to save millions of lives a year and billions of dollars in property damage from natural phenomena by sharing satellite-based information and facilitating the development of techniques such as GLIDE, a universal tool for disaster data sharing fostered by an NGO named the Asia Disaster Recovery Center (ADRC) (ADRC 2004). Government experts, NGOs, UN experts, contractors, and academic centers were involved in the Study Team (which went by a different name), and at times emotions ran very high when a member did not get his or her way. The same thing happened with ReliefWeb, a project that evolved out of the Rwanda crisis and involved NGOs (see Chap. 18). It proposed a brand new way to significantly lower the costs of emergency management and sharing information. The Inquiry (see Sect. 14.2) created by President Wilson¹² to help create the League of Nations had so much internal tension that a feud erupted between major players.¹³ The lesson here is to be prepared to manage the problem, because if the project is important, the best minds will want to be a part, and that inherently means tension as great intellects clash, looking for the best ideas.

2.4 Step Three: The Decision Memo—Go or No-Go?

Assuming that the informal study group feels the project should move forward, the next step is to create a decision memo. Any part of the NGO that might be impacted should clear¹⁴ the memo, as well as potential allies, to see if they want to be a part

¹²The Inquiry was formed on September 1917 (Mezes 1921).

¹³The British had a similar committee often named after its chairman, Lord Phillimore, but more properly called “The Committee on the League of Nations,” which created the first government formulation on March 20, 1918. There was also a French committee under Leon Bourgeois, which formulated an outline on June 18th. The Italians did not start serious thinking on the postwar period until Armistice.

¹⁴Review and comment on

of the project and if the roles and goals are acceptable. **Recommendation:** The model in this book like any recommendation, a suggestion for a frame of mind, not a rigid construct never to be amended. The same point is true about personal anecdotes by the authors. They are offered to lend legitimacy to proposed ideas; each Negotiator must use his or her own judgment.

The decision memo has the operational function of asking the appropriate Decision Maker(s) for an actual GO decision. This has to be someone with proper authority to commit the reputation of the organization and its capital and human resources, e.g., the CEO, Director of Disaster Management, the Director of Programs, whatever works for the NGO. There are only four options from a decision memo: (a) decide not to proceed, (b) refer for further study, (c) ask someone else to take the lead, or (d) commit.

Before the decision memo is written, the study group needs to have conducted a comprehensive assessment of the issue at hand and the options available through a SWOT analysis. A good way to think of the decision memo is a simple, bare-bones explanation of the issue and a tool upon which to build a plan, since it will decide not only whether the project moves forward or not but also who is in charge, the reason for negotiations, and their substantive boundaries. In addition, the memo must identify some metric that defines success. Metrics like the establishment of democracy are often hard to define in the social sciences; to the extent possible, the memo should do this in a very few sentences. Brevity will be important since the communications officer (see Chap. 12) will use those metrics as part of briefing packages or a Media Kit; fund-raising officers will use them with donors. A metric could be a ceasefire between tribes or an agreement to protect a specific amount of forest, a species of animal, or vaccinate a certain minimum number of internally displaced persons. A metric could also be a larger goal like vaccinating all of the people leaving a province from a drought, accompanied with interim goals dealing with levels of vaccination over a period of time. Finally, will there be an exit strategy, for example, does the project envisage a permanent presence by the NGO alliance in a province, or does meeting a metric mean declaring success and moving on? **A caution:** Metrics is mentioned because the concept comes up often and has been tried for decades now by both (then) USIA and the State Department. In the opinion of many experts, no truly perfect method has yet been found; actual success is (at best) measured at the medium and long term.

Although steps one and two might take some time, a decision memo could take a month¹⁵ or so to prepare because so many people are required to clear it (see Clearances in Definitions). Every NGO that might be a partner and any office in the lead NGO that could be impacted should clear. Steps one and two map out strengths and weakness of potential coalition partners. In step three, the team is asked to help the Team Leader refine analysis of the opposition. If all three steps are not taken, the lead risks different parts of his or her organization or alliance working for their own interests and making unreasonable demands, even undercutting coordinated positions

¹⁵Obviously in a crisis, all steps are speeded up. An example of this is seen in the case study of John Walsh and his Operation Gwamba in 1964, which is described later in this book.

during critical negotiation phases. Always keep in mind coalition integrity, what strengthens it and what could damage it. To flesh out options for discussion and fairly adjudicate disputes, use a formal clearance process and a chain of authority (see Clearances in Definitions). Some will see this as overly formal and it might not work for all NGOs, but it does save time and confusion in most instances. Size also matters. No matter how complicated the issue needing negotiation, the decision memo should contain no more than two full pages of substantive text. Make it a memo to the Decision Maker(s) from the Team Leader asking for a specific decision.

Note for Decision Makers Inherent in the discussion of decision memos, the upcoming chapter on “intelligence” and the chapter preceding it on “knowledge management” are a call for NGO Chiefs to plan for the future. That may seem obvious; it isn’t too many, beyond the need to consider how to pay for programs, to survive, and how to solve today’s issue. The Informal Study Team proposed in the model asks the question of whether the objectives of a diplomatic initiative actually relate directly to the mandate of the NGO or its alliance. Also, are the times or circumstances right for the initiative?¹⁶ In addition, but predictably, the problem being “solved” may be short term, perhaps how to protect the elderly from cyber abuse in a particular region of the world. But the decision maker, when considering the choice “to GO,” also needs to consider what the world will be like in 20 years and whether the proposed initiative does more than solve an immediate problem; does it also fit into a rational long-range strategic objective? You can’t plan for every eventuality; if you only plan for midnight, morning will surprise you. decision memos should have in mind the next strategic problem down the road, not just the immediate hurdle.

The following shows how such a memo might be crafted for a fictional conference proposed for Paris in 2015. Keep in mind that decision memoranda should simplify understanding. Instead of inserting lengthy explanations in the main body of the memo, relegate explanations to attachments, often called “Tabs.”¹⁷ The basic memo should be a lean statement of logic and consequences with a few essential facts. If the decision maker doesn’t know anything about the topic, he or she can use the tabs to study details. The sections of the memo are as follows:

- Question for Decision
- Importance of Topic
- Essential Factors
- Background
- Decision Checklist

¹⁶Timing is critical in diplomacy. Even if an idea is a great one, if the time is wrong, it won’t happen. The idea of a community of nations collaborating in order to reduce war isn’t new; but if President Wilson hadn’t pushed it during the negotiations for the Treaty of Peace, the organization would not have happened. If President Roosevelt hadn’t advanced the UN when it did, the public zeal would have waned as well.

¹⁷The term TAB is common in the memoranda world and comes from industry where small tags of material are attached to something and contain information about the object. Other people might say Attachment or Tag.

- Clearances (see definition chapter)
- Tabs (if any)

Instead of a subject line, as is normal in memoranda, ask a question or Issue for Decision.

Question for Decision

Sample Text (1): Whether to negotiate a declaration in the UN General Assembly to protect woman from rape in the ethnic Sutu camps of East Bangorania, Europe.¹⁸

Sample Text (2): Whether to agree to a specific plan in Tab C to build an NGO coalition to insert language protecting Sutu women (Description in Tab B) in the outcomes document at the Yokohama World Conference on Human Rights Reform. A key element involves inviting Ambassadors and UN officials to an event hosted by the new coalition July 20.

Importance of Topic to the NGO: A few sentences as to why the issue is important to the NGO's mandate, financial posture, etc., to include the strategic goal, e.g., eliminating rape in the camps.

Essential Factors: This is a list of key points. Some will be basic such as the date of an event, but others will be short distillations of analysis from the Tabs. Let the Tabs resolve questions, about what will work and why, and alternatives. The Essential Factor section is a short understandable statement, details to be found in the Tabs. Examples of essential factors might include the scope of violence in a country and a nutshell description of faction leaders, warlords, etc., and their aims; are those aims negotiable? What NGO equities are at risk, such as the protection of children and the nature of the threat to those equities by each faction in the conflict? Another factor would be an explanation of what else has been done or is being done by other players, if any, to ameliorate the situation.

Background Tabs: Most decision memoranda keep the summary background to essential bulleted facts or a concise paragraph. The drafting officer will be tempted to be verbose in the main memo, fearing that the decision maker “won’t get it.” Resist the urge and use the Tabs for critical detailed background papers, e.g., a backgrounder on the ethnic group, statistics on rape, background on precedence, and information who might oppose the initiative and why, as well as who will support and why. There is no limit on the number of Tabs, but it is usually wise to keep the number short. The length of each should be no more than a page, though studies can be attached. They should also follow the essential factors; if a conflict is the issue, a good Tab would explain its political/cultural and economic roots. Is corruption involved, resistance to transparency? In countries like Syria in 2012, there is an elite group. Who are they? What do they control and how? How do they abuse and reward other groups? Are there uneven economic dimensions between ethnic groups?

¹⁸We have chosen a fictional tribe and region on purpose.

Decision: This section is for the decision maker

- (a) Approve.
- (b) Disapprove and why/questions for further study. The explanation is usually just a few penned in comments.
- (c) Suggest an alternative route. This is spelt out by the decision maker in a few sentences.

Note: Another approach for the decision section is to present a couple of options, especially if the team is split over separate approaches. In this instance, each option should be expressed as a sentence and have its own Tab for explanation.

Clearances (see Definitions)

- Each office or scientist in the lead NGO with a major potential interest in this topic should clear the memo, assuring the decision maker that the paper has been properly reviewed. (If a coalition is used, then one representative for each coalition partner clears.)
- Clearers cannot be afraid to defy common wisdom. They must be able to ask tough questions without their loyalty being questioned; it is not important whether the clearer is correct rather that he or she had a chance to speak honestly. Respect dissent and the dissenters will respect the mission. That is especially true if the negotiation involves a multiple NGO team. As any soldier would say “people, not plans, make victories.”
- This is less an HQ document than a team effort. If the lead NGO has regional offices, the impacted ones also need to clear it in full (see Clearances in Definitions).

Sample Tab Headings

- Tab A: Funding and Policy Importance of Topic to the lead NGO and the larger NGO community
- Tab B: Specific language proposed for final conference outcomes document or Resolution, etc.
- Tab C: Plan to energize relevant NGOs which operate in the region
- Tab D: Plan to energize key governments, including proposed meetings
- Tab F: Brief on the Tribe and Women
- Tab G: Proposed budget (Note: Every initiative needs to have a cost associated with it, so that the overall impact on other programs can be assessed. This Tab should also consider what other NGOs might contribute, what they will extract for such funds). What if consensus Is Impossible?

Given that a decision memo is a form of peer review, it will inevitably be colored by the different perspectives of each participating person or agency. Consensus will not always be possible; however, while the team leader should try to massage differences, for the memo to reflect an honest appraisal, if one party or group insists on their minority option, it needs to be reported. The decision maker then chooses the final action. After all, just because the majority has an agreed position does not make it the correct course of action. In other words, while a lack of consensus is not optimal, sometimes the same facts just lead people to different

directions. The team must respect dissent and, ultimately, also follow whatever direction is given by the decision maker. Formalistic as that sounds, this process is essential. The problem of course is that while it is fine to have a decision maker decide disputes, unhappy partners may also disappear at this point if they do not like the results. The team leader's job is to minimize the risks of this not happening.

2.4.1 The Off-Ramp

There always needs to be a potential off-ramp. Study Teams developing field operations/negotiations in particular should remember that international NGOs are visitors and that any project needs a political off-ramp to avoid the Bremer model. When the United States invaded Iraq, it created a potentially destructive power vacuum, since Iraq was no longer a counterpoint to Iran. If anything, the new Iraq may become a friend to Iran. That's both a political and economic issue, political because while a period of internal stability might be entered into, a powerful, radicalized Iran with nuclear weapons is a clear and present danger to the region. It is also important to understand that when an international presence is administering, as happened in Kosovo, Iraq, East Timor, etc., it is filling a power vacuum. This inherently creates a tension between the needs for long-term democracy and early stabilization. Transitional authorities must see themselves as temporary stewards of a highway to success, and that highway must have a well-designed off-ramp so that the indigenous population eventually rules, even if imperfectly.

However, any initiative needs an off-ramp, a set of understood conditions that suggest moving on to something else. This might be because the initiative is a success and no more work is required or that the required work should be done by others, or perhaps even that at some point, success is deemed impossible or impractical.

2.5 Delegation and Negotiation Staff Decisions

Both for reasons of budget and management, the Study Team should recommend the makeup of the delegation and the HQ team.

2.5.1 The Delegation

More will be said of the various potential delegation officers in other chapters, but it is worth noting here that because of the complexities of nearly any negotiation, there are often many specialist officers required to support the initiative, social events to attend, speeches to make, and interviews to give, as well as time-consuming bureaucratic processes. The model proposes using such specialist officers as a team

leader, a chief negotiator, administrative/protocol and communications officer, and a legal adviser. For a cash-challenged NGO, especially a small, local NGO, the requirement for such a large team can seem daunting; if NGOs act within coalitions and if each specialized officer is seen as a *function* to be accomplished instead of as a person that must be funded by one NGO, then much can be accomplished. Although a legal adviser is important, for example, this officer might come from a partner NGO or be provided by a law firm on retainer. The point is to have access to relevant, accurate legal advice. Further, one person can do more than one task, or tasks can be handled through partnerships in a coalition or by HQ staff. Government diplomats are frequently being sent as a “Delegation of One” to international conferences or to the field. In those instances, they take on each role or have someone do the job for them. When Roeder served as the United Nations Affairs Director for a British NGO, he often found its delegations to be very well staffed; the delegations of other much smaller NGOs were effective because they were backed up by a team. When Roeder went to speak to armed non-state players in South Sudan for his government or the UN, he was the sole field representative; he had administrative/logistical help. Once in Sudan, a UN official provided a vehicle, a field tent, and a car. In 2010 when he went to Somalia to visit the president and local leaders in the north; he had just one partner from his NGO, shared functional responsibilities and used partners in Somaliland such as local government officials as well as members of civil society to help move the project forward. They also went into the field, having coordinated their approach with many experts outside their own NGO and after having developed a strategic set of goals based on study.

The delegation team is led by a chief negotiator who reports back to the team leader.¹⁹ The chief negotiator makes the decisions in the field, with coordinated guidance developed initially by the Study Team and during the process of negotiations by the HQ Team. An administrative officer should handle administrative matters so that the negotiator(s) can do their job, and a communications officer should deal with the press, set up interviews, train members how to interact with the media, etc. However, these functions do not need to come from a single NGO. A communications officer might come from an NGO local to a conference, someone expert in the local media. A partner NGO back at home might provide administrative support. Everything in this book presupposes that success depends on teamwork. Further, it is important to remember that there are parallel functions back at the HQ team. For example, just as the delegation needs a dedicated communications officer for its own efforts, a communications officer back at HQ needs to

¹⁹Something to keep in mind is that team members are not perfect; everyone has flaws; but sometimes, you just have to work with specific people. Even presidents have found this to be true, such as Harry Truman who on assuming office had to work with Edward Stettinius, whom Truman inherited from Roosevelt. Truman felt Stettinius wasn't imaginative and intended to replace him' but the San Francisco Conference that led to the formation of the United Nations was about to occur, and a quick change wasn't a good idea, so Stettinius was kept on as head of delegation—with full powers. As it turns out, he was excellent.

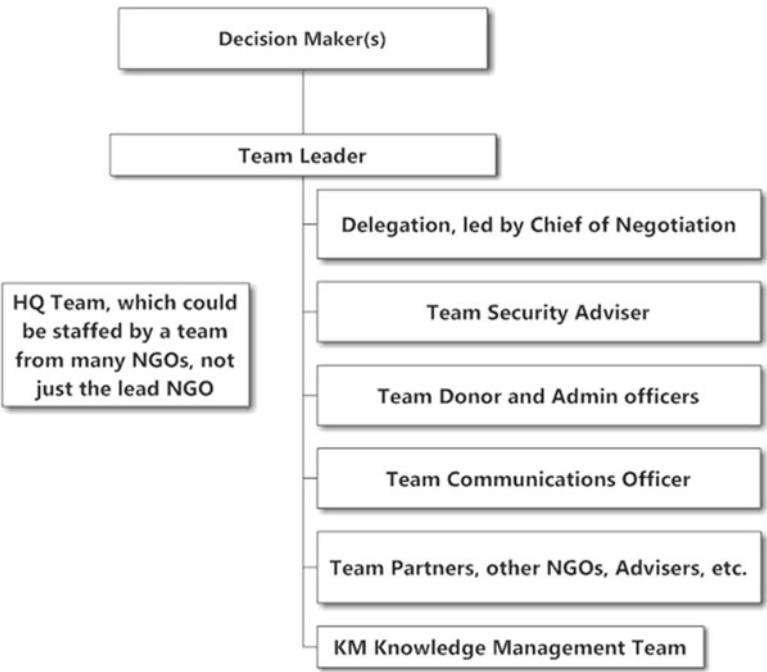


Fig. 2.4 HQ team chart

manage public diplomacy and similar communications issues for the overall project, which might include efforts in many countries other than where the delegation is working. Those efforts in far-off places might, in turn, be led by partner NGOs; in fact they very likely will be.

2.5.2 The HQ Team

Assuming that the decision is a go, in addition to recommending the makeup of the delegation, an HQ team is formed, led by the team leader, consisting of members of the Formal Study Team.²⁰ The team leader manages HQ team and the project as a whole, keeping the alliance together and managing the flow of resources, and arranges coordinated instructions, as needed (Figs. 2.4 and 2.5).

²⁰This was the model used to develop GDIN, the Global Disaster Information Network, a public-private partnership of NGOs, governments, contractors, and universities started by Vice President Gore's staff.



Fig. 2.5 Delegation chart

2.6 Why the Lengthy Decision Process?

Because of the grandeur of multilateral diplomacy and the obvious potential gains for an NGO, particularly when pursuing a global change in practice, a CEO may consider that the simple act of engaging in diplomacy will convey to donors that the NGO is a serious player worthy of contributions. But donors expect success, so can the NGO succeed? The question needs to be quickly asked before anything happens; it is one of the first questions asked at each stage of the process by the project manager, the Informal and Formal Study Teams, and the decision maker(s). The question can't be asked too often. Keep in mind that a successful bilateral or multilateral negotiation is a major corporate undertaking that will demand a lot of resources and strong will. Does the NGO or its coalition have those resources and that will? Because the answers might not be obvious, the step-by-step decision-making process is needed, if for no other reason than to protect an NGO's reputation, its financial resources and its ability to raise enough funds for its work and to map out a successful path.

Don't worry about the size of your NGO. You can always compensate for size by building coalitions, using the comparative advantage of many partners. But do ask for clarity. The initial review by the project manager and Informal Study Team is needed because decisions to engage in negotiations often have no special starting point other than a desire to do good work. Many people in the NGO from the CEO to a staff officer or the NGO's natural allies also may have the same approximate idea, e.g., a convention to eliminate torture, or an initiative to protect a religious group from persecution, or perhaps a negotiation to set aside government land to

be a special kind of farm needed to feed people, perhaps a regional development strategy. All of those ideas require a cohesive decision process to avoid a failed negotiation. That's why we have proposed our step-by-step model, a specific methodology to convert the informal chatter into useful action, then guide the action to success. Other models are certainly possible; experience has shown that this approach works. Although every NGO will have its own culture and process, the steps should be considered in some form, as they are based on proven success. Underlying them are also theories of protocol, fund-raising, and conference delegation management covered in the other chapters, all of which must be sewn together to make one coherent negotiating strategy that takes into account major policy issues that pose any threat to the initiative, with recommendations to resolve the issues.



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