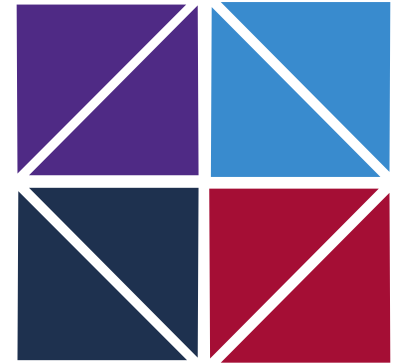


ANALYSIS TO ACTION:
DISASTER RISK FINANCING IN AFRICA

Influencing Your Stakeholders through Negotiations



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DISPUTE SETTLEMENT

At the University of Stellenbosch Business School

Professor Brian Ganson

Head, Africa Centre for Dispute Settlement

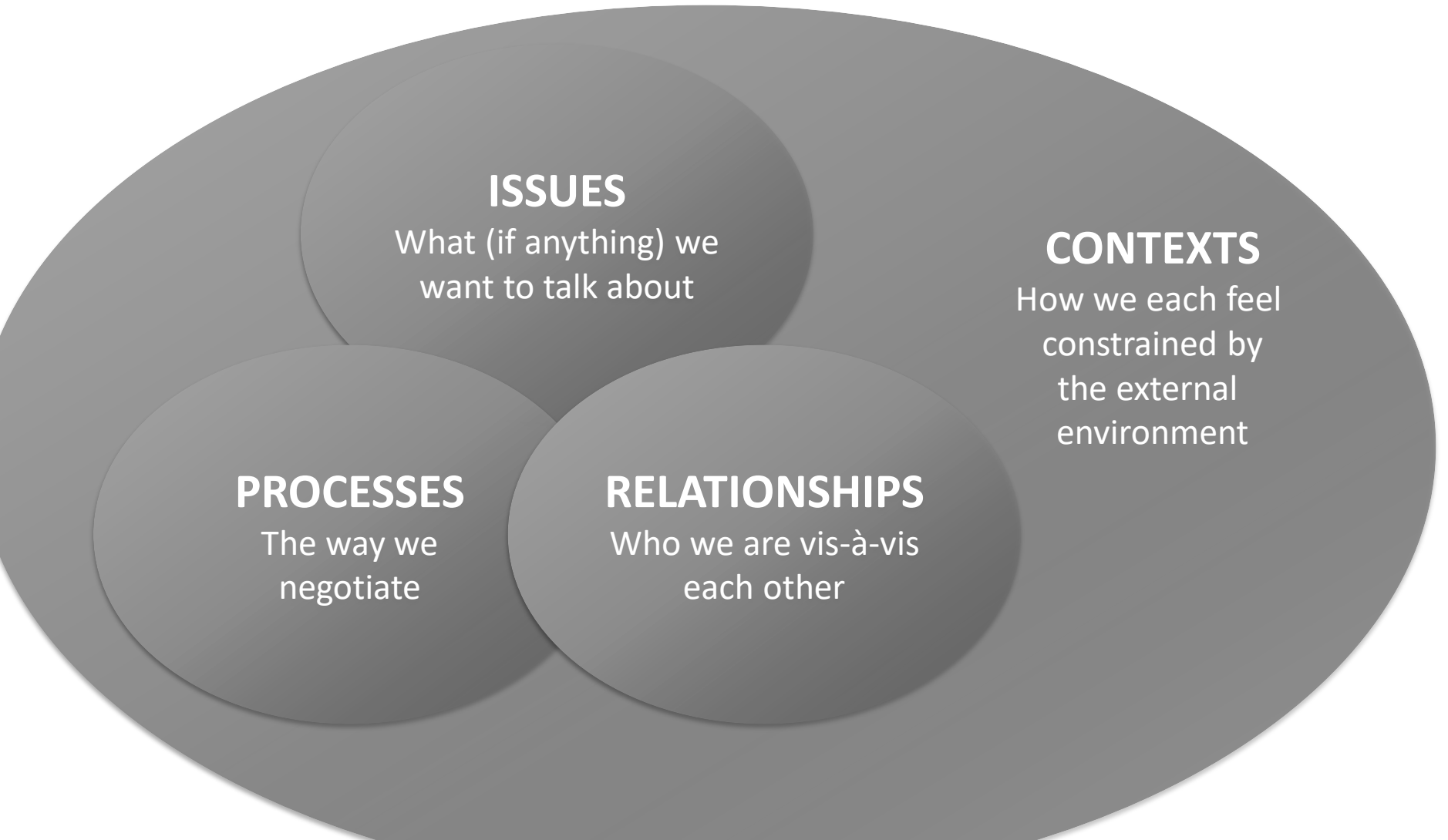
September 2019



Complexities of pre-negotiations



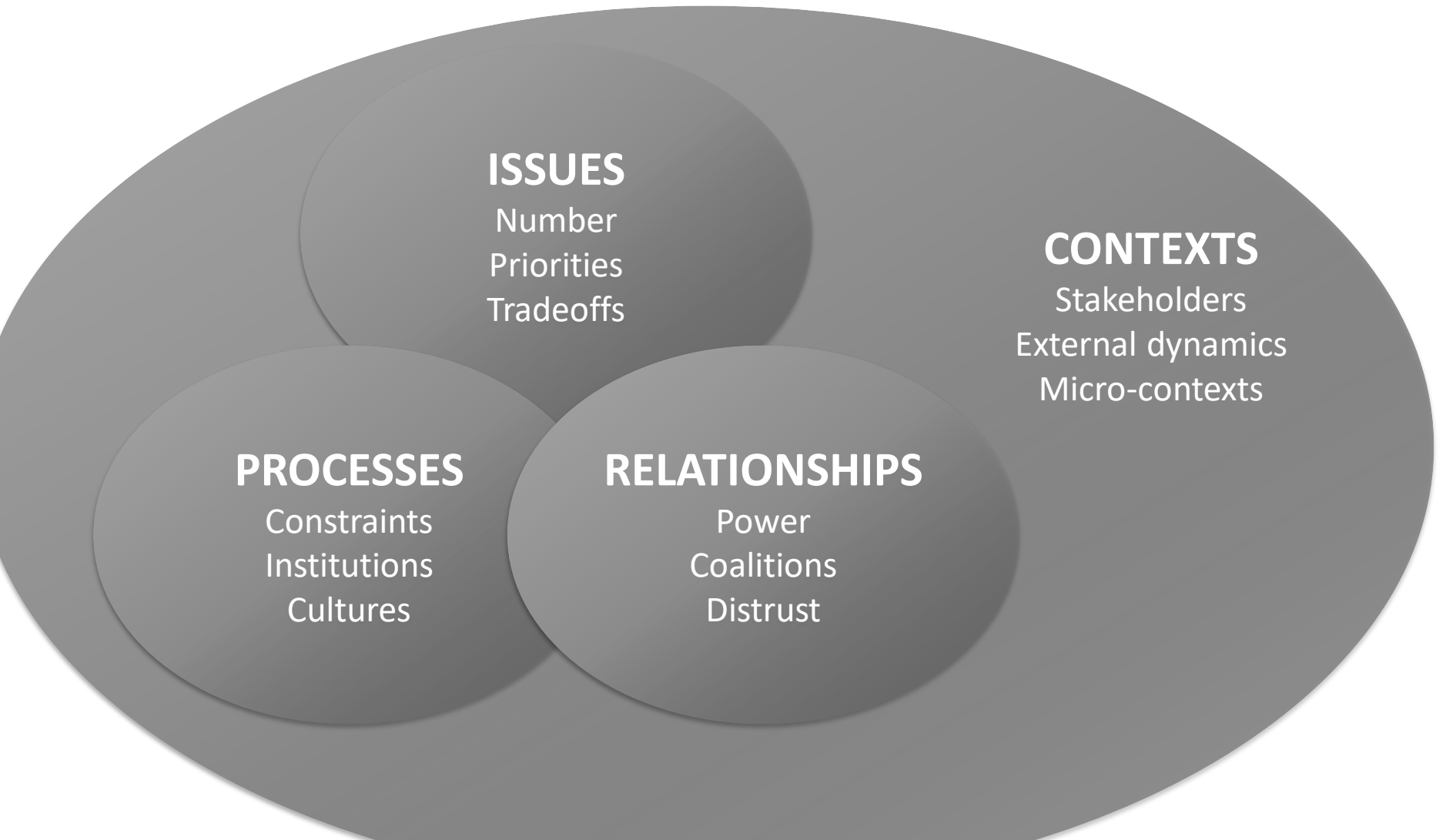
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Complexities of multi-stakeholder negotiations



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A different toolbox is necessary



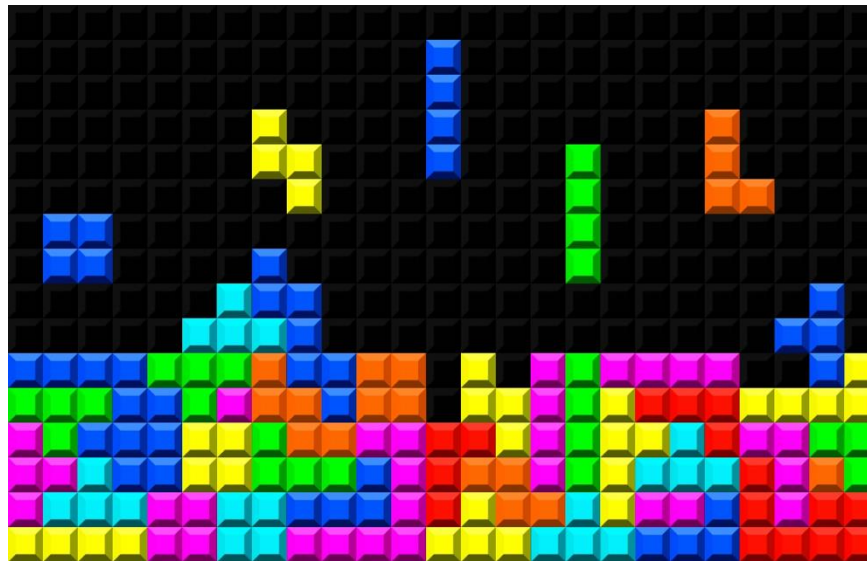
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Advocates for a
particular
solution

Arbiters of the
final decision

Making a deal

Focused on our
stakeholders



Honest brokers
of information
and options

Stewards of an
inclusive process

Coming into
alignment with
each other

Joint systems
architects

IMPLICATIONS FOR:

- Analytic needs
- Attitudes and behaviours
 - Process design
 - Coalition building

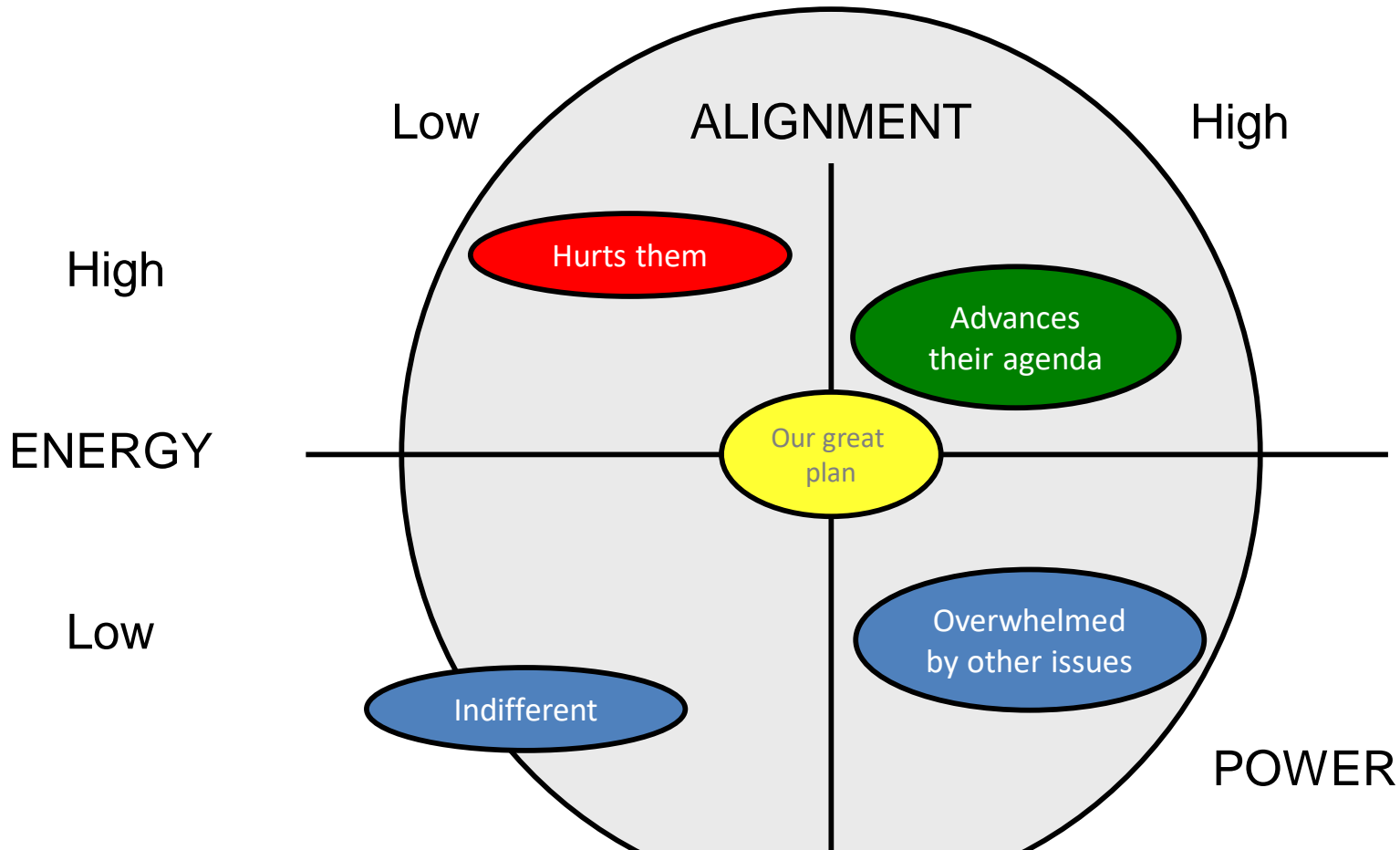


"I sure hope the negotiations go well."

Others parties' perspectives, mandates, preferences, institutional logics, and constraints will be quite different from ours



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Perspective taking is crucial



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ENGAGEMENT PLANNING TOOL – DIAGNOSTIC CHECKLIST

FOR US	FOR THEM
THE PROBLEM: How would each party describe its primary goals? Its key challenges and roadblocks? What does each need and want from the other? What would be the headings in an eventual agreement? Which are most important to each?	
THE PEOPLE: What is the status of the relationship and trust among the parties? How does each party see itself and the other party vis-à-vis its own key issues? What are its aspirations for the future, in particular vis-à-vis the other?	
THE PROCESS: What are the preferred approaches for each party to beginning any negotiation, reaching agreement, and moving to implementation? What timing or sequencing issues are there? What formal or informal rules need to be respected?	
THE PARAMETERS: Who are each party's crucial stakeholders? What situation or factors does each party face – tangible and intangible – that will make it harder to get what it wants out of a negotiation? What are any lines that each party can't cross?	
Best Alternative to a Negotiated Agreement (BATNA): What is the best outcome without the cooperation of the other side?	

What is the frame in which our negotiation counterparts see the context and the issues?

How does this compare to ours?

What does this mean for how we will need to proceed?

The difference between a successful and an unsuccessful negotiation lies all too often in the quality of parties' preparation

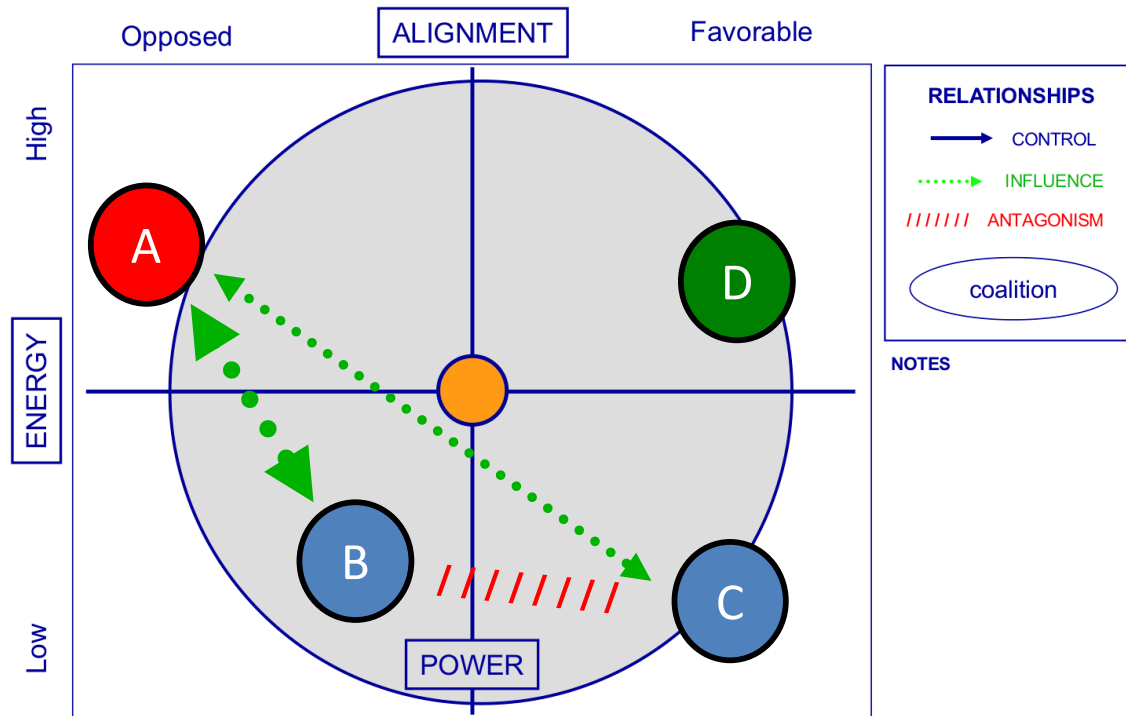
JES SALACUSE, THE GLOBAL NEGOTIATOR

Iterative proposal design and testing is required to arrive at a sufficient consensus



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PROPOSAL TESTING TOOL Our proposed package:



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A collaborative mindset is key

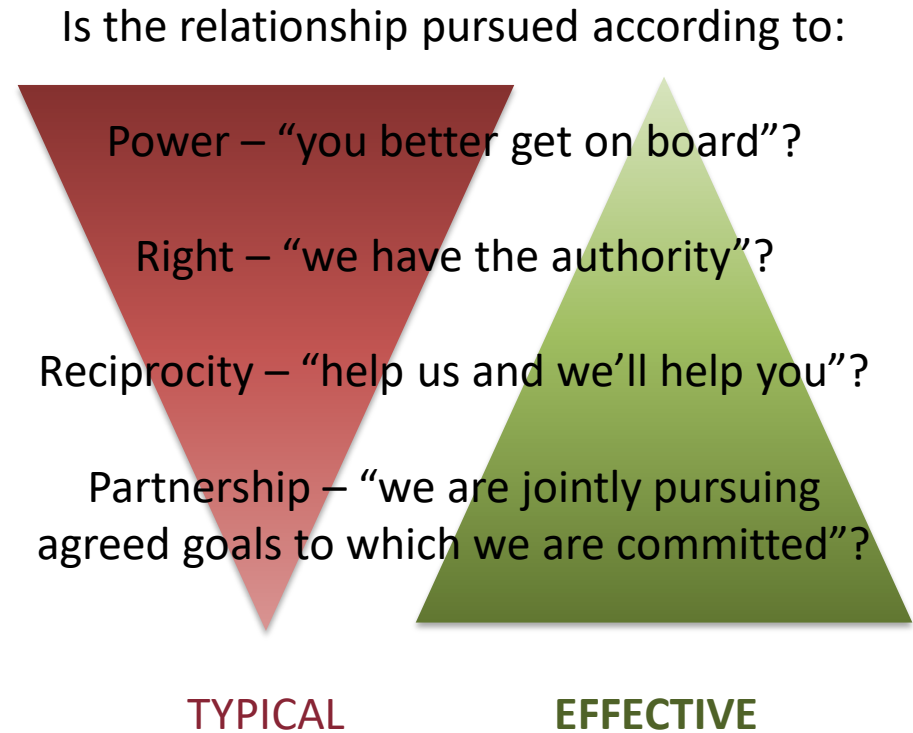


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RELATIONSHIP ASSESSMENT TOOL¹

OUR Perceptions	THEIR Perceptions
How we perceive our role vis-à-vis the key issues	How they perceive our role vis-à-vis the key issues
How we perceive their role vis-à-vis the key issues	How they perceive their role vis-à-vis the key issues
How we experience them	How they experience us
What we want from our relationship with them	What they want from their relationship with us



¹ Adapted from Fisher, Schneider, Borgwardt & Ganson, COPING WITH INTERNATIONAL CONFLICT: A SYSTEMATIC APPROACH TO INFLUENCE IN INTERNATIONAL NEGOTIATION 53 (Prentice Hall 1997) by Brian Ganson for the Africa Centre for Dispute Settlement (2019). All Rights Reserved.

Persuasiveness is strongly correlated with certain behaviors



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1. Ethical
2. Experienced
3. Personable
4. Rational
5. Trustworthy
6. Self-controlled
7. Confident
8. Agreeable
9. Realistic
10. Accommodating
11. Sociable
12. Fair-minded
13. Dignified
14. Communicative
15. Perceptive
16. Adaptable
17. Astute (about the substance)
18. Poised
19. Careful
20. Helpful

The most effective negotiators share certain key characteristics



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- **Highly Empathetic**
(focused on *all* the interests – especially THEIRS);
- **Experts at Option Creation**
(adaptable, flexible, helpful to THEM)
- **Exceedingly Well-Prepared**
(realistic, fair-minded, astute about THEIR issues)



"All those in favor say 'Aye.'"

"Aye."

"Aye."

"Aye."

"Aye."

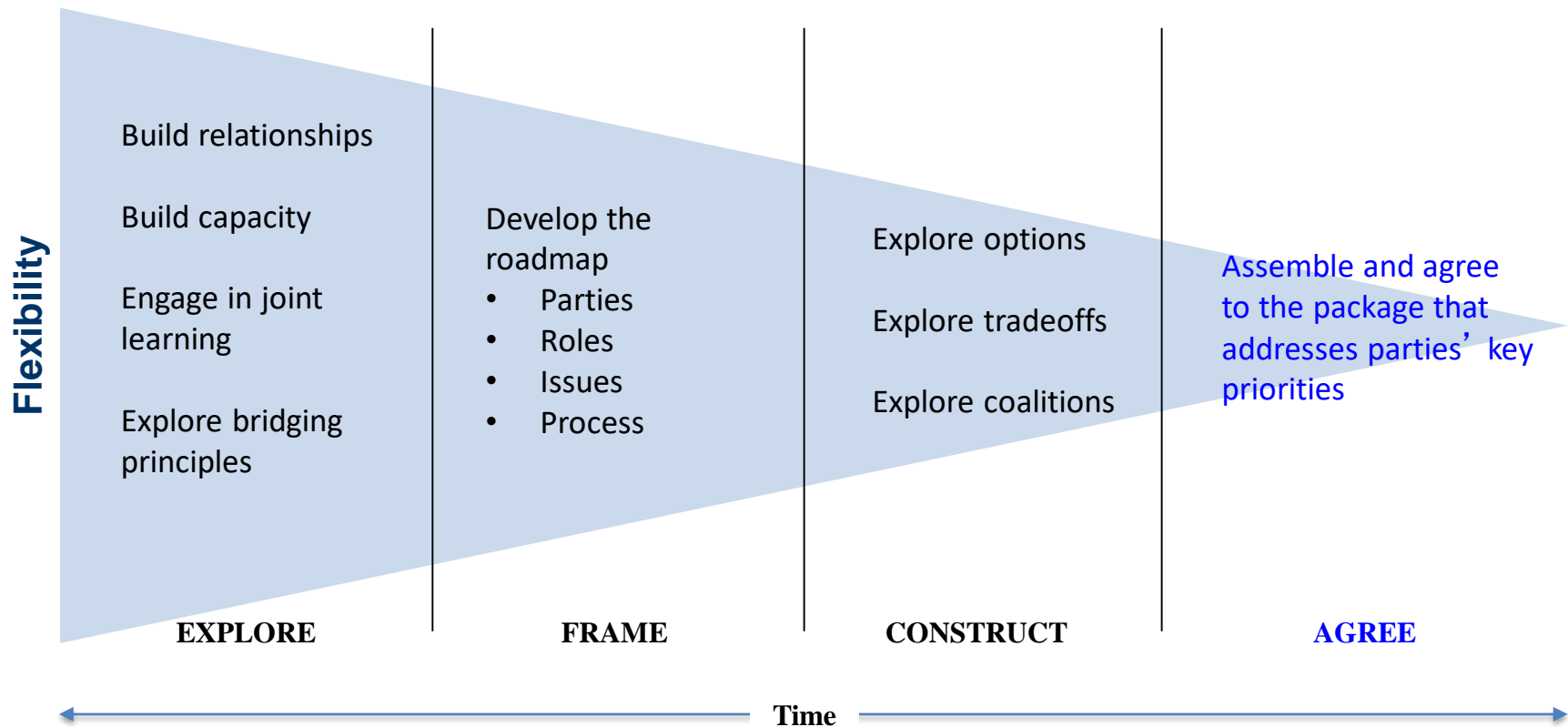
"Aye."

Multilateral negotiations are typically characterized by decreasing flexibility



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EXAMPLES OF ACTIVITIES AS FLEXIBILITY DIMINISHES





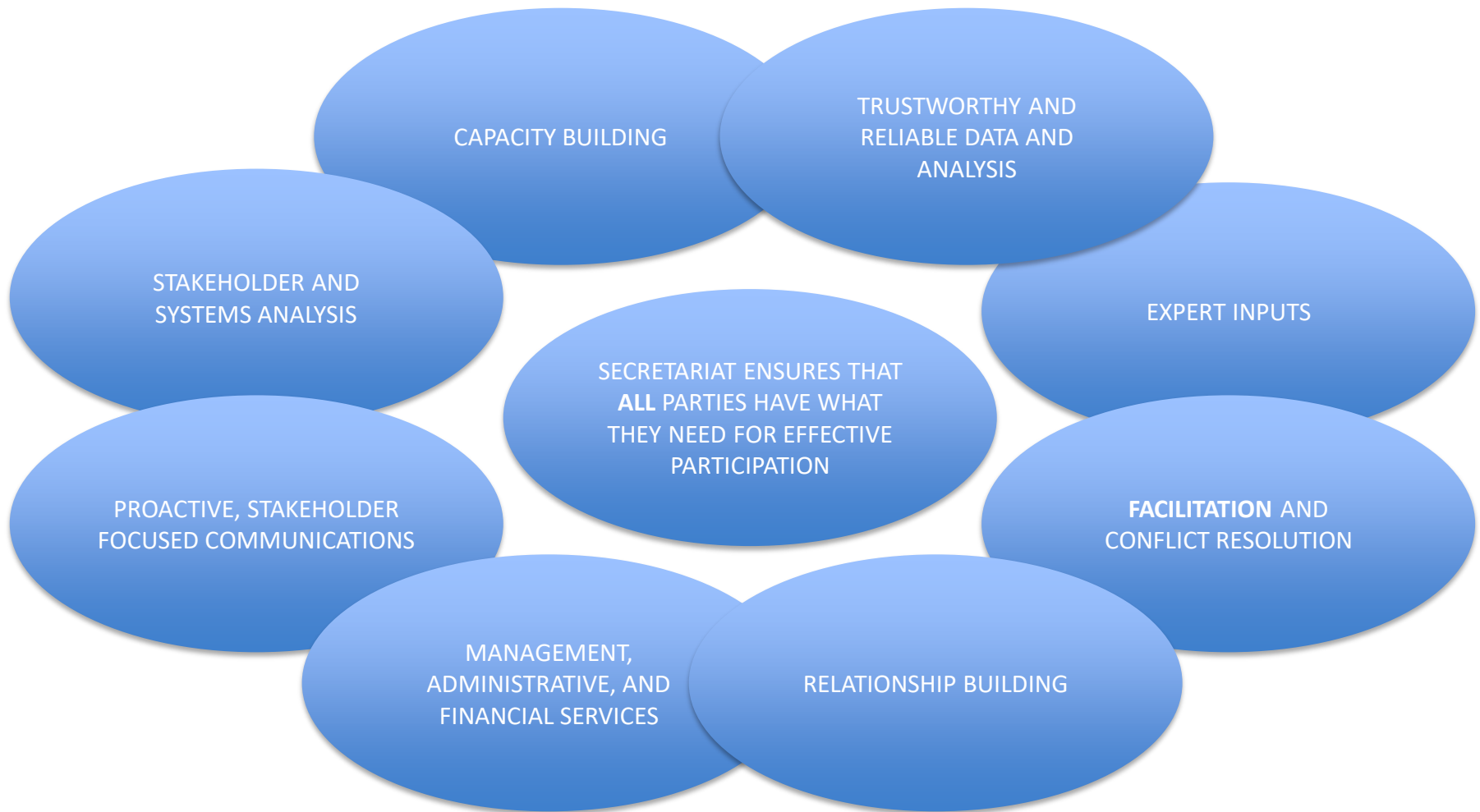
The expectation that collaboration can occur without a supporting infrastructure is one of the most frequent reasons why it fails.

John Kania and Mark Kramer (2011). *Collective Impact*. Stanford Social Innovation Review. Winter, p. 40

Complex negotiations frequently need not only “facilitation” but “secretariat” functions



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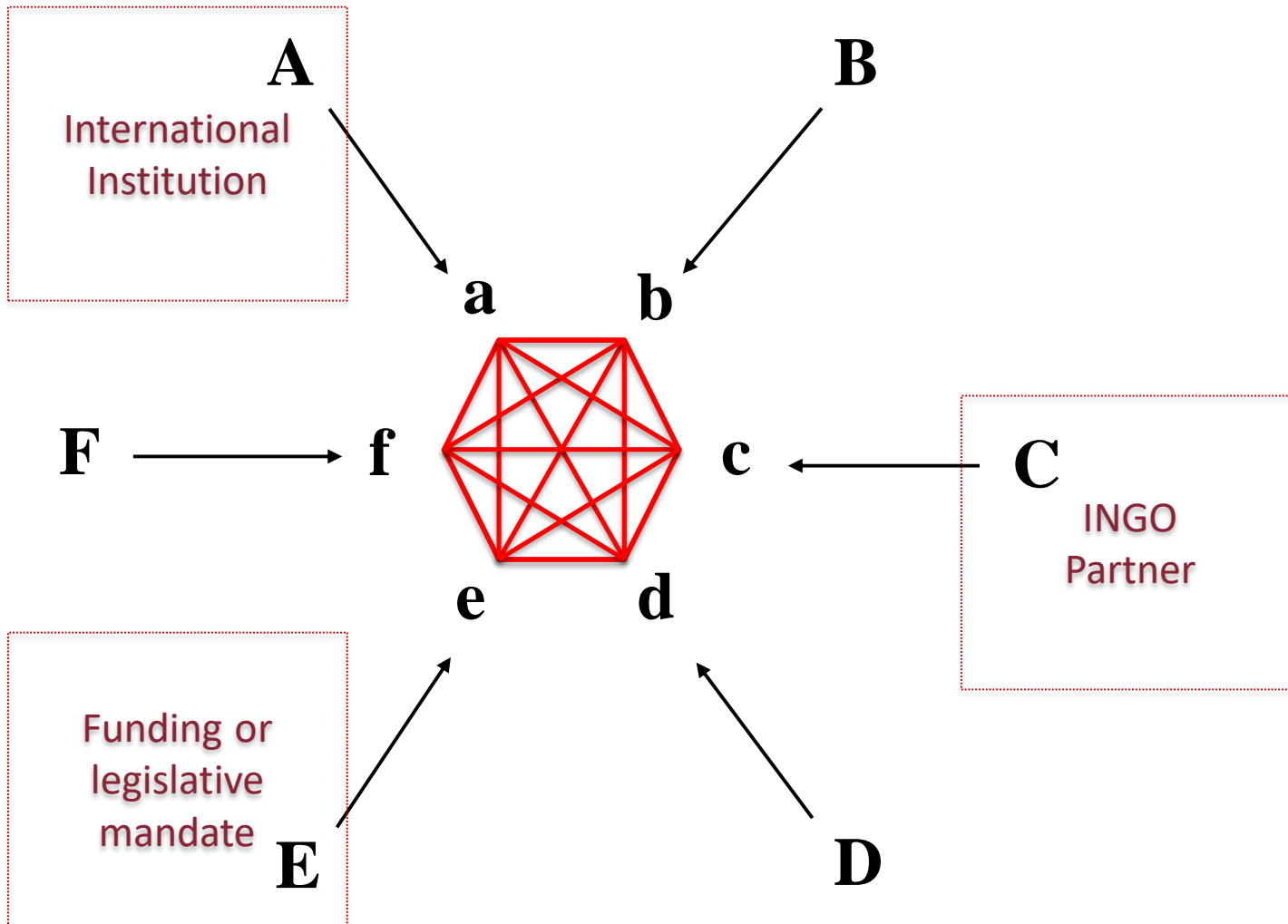


"Never, ever, think outside the box."

Changing the agent – principal relationship



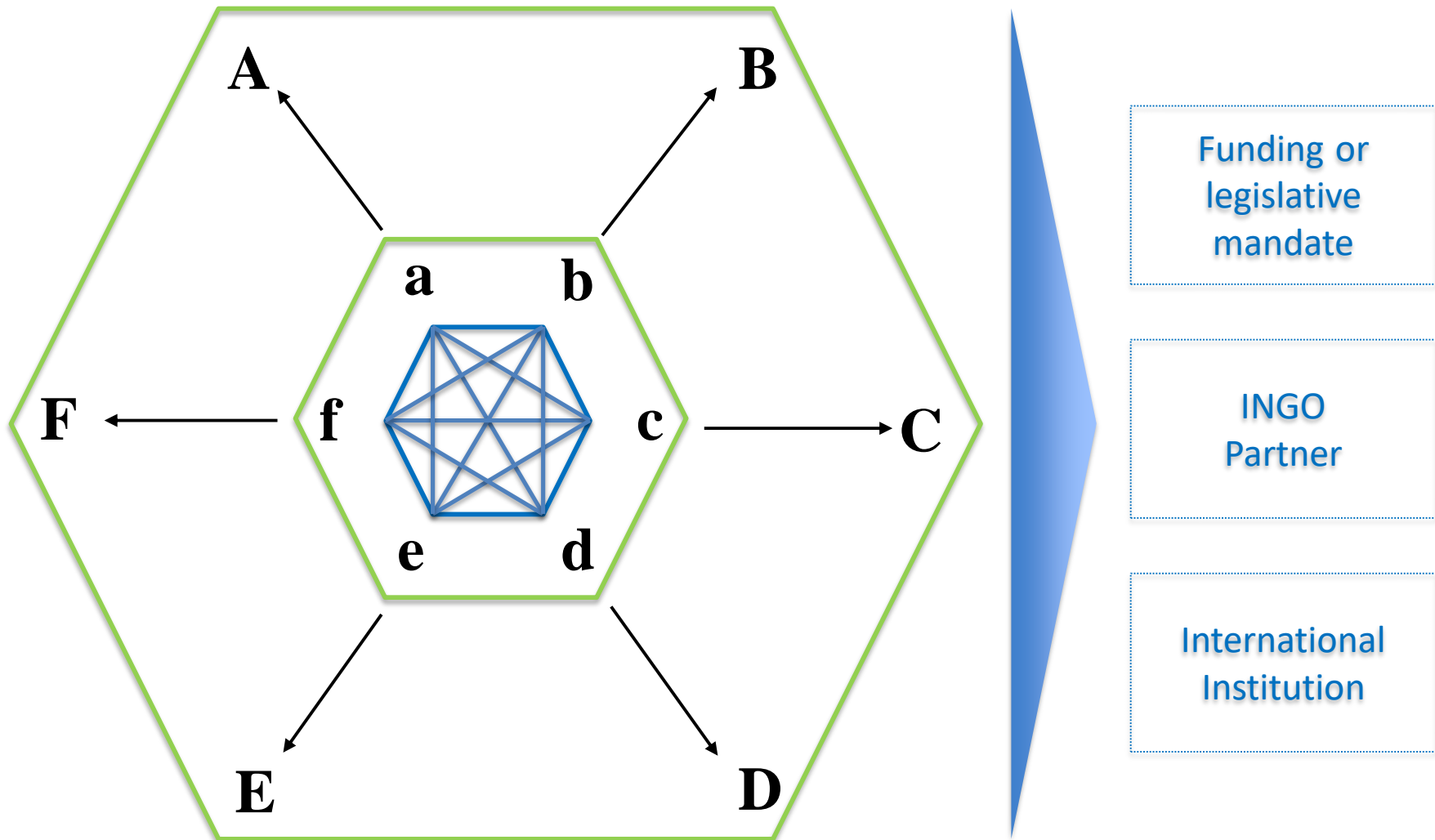
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Changing the agent – principal relationship



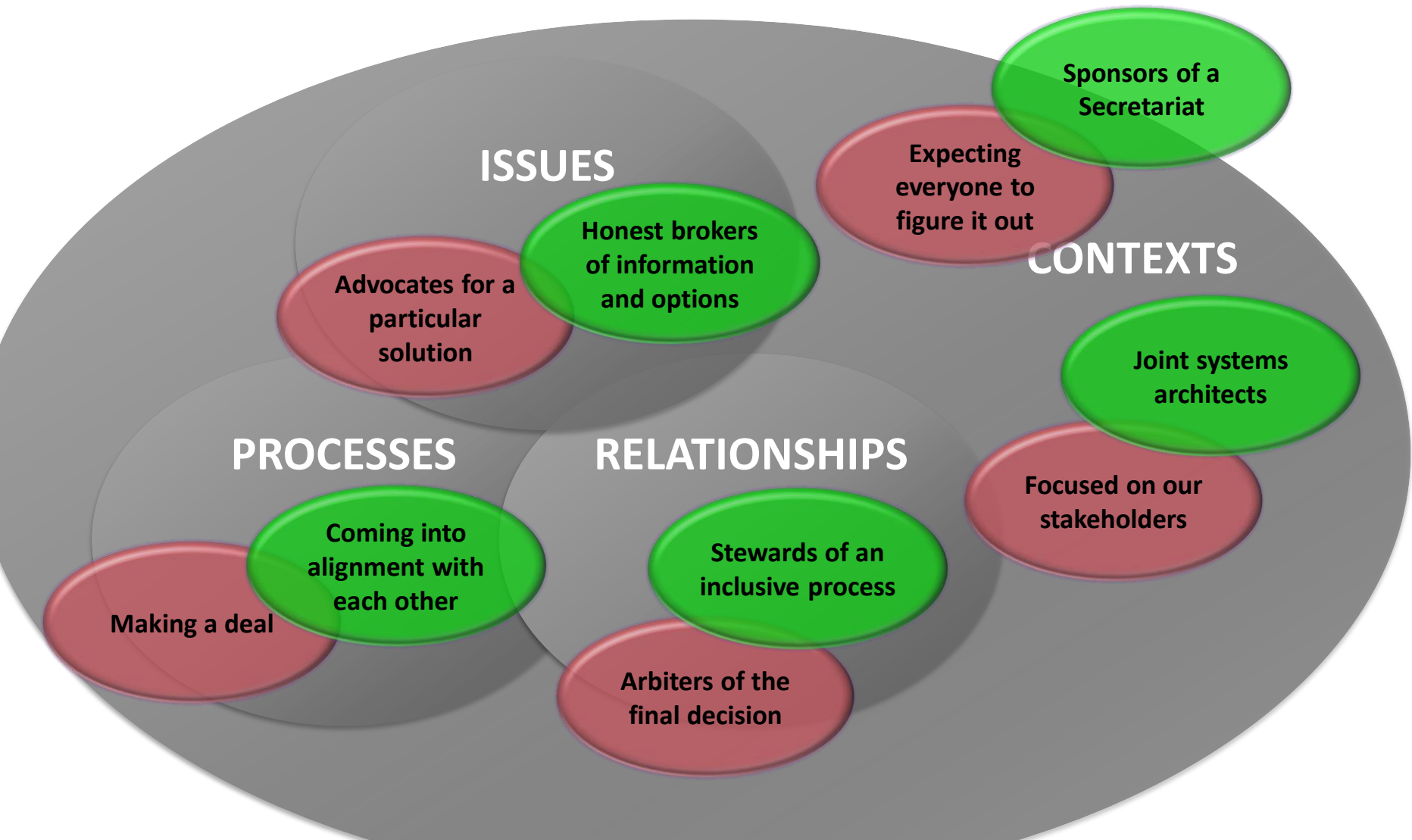
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Managing complex negotiations



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Closing thoughts on complex negotiations



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COMPARED TO BILATERAL NEGOTIATIONS:

- “Integrative” or “win-win” activities (building relationships, joint framing, exploring interests behind positions, or developing creative options) have to happen **very early** – or they don’t happen at all
- The ability to **systematically analyze, strategize, and shape processes** in complex negotiation environments becomes a source of negotiation advantage
- **Trust grows in importance** – can I believe you and can you believe me when we say what we must have or what we can’t give up?
- **Shifting the geometry** (from each of us fighting to satisfy our own stakeholders to an inclusive team shaping a joint solution) enhances systems power

