Negotiation Power: How Humanitarian Frontliners Get Things Done with Hard Bargainers

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Hard bargainers are known to dictate terms. Humanitarian frontliners confront them daily. Some state and nonstate counterparts, guided by military necessity, are deemed so overpowering that it seems impossible to negotiate humanitarian necessity with them. And yet, humanitarians leverage negotiations with quite an edge. They construct working relationships and creative solutions to get access and deliver humanitarian aid to those affected by conflict. Humanitarians shape a responsible approach that can enrich the understanding of negotiation power. Guided by humanitarian principles, they do not exercise a power over anyone but leverage a power of getting things done with counterparts, through relational, transactional, and process moves. The purpose of this article is both descriptive and prescriptive. On the one hand, it provides examples to document humanitarian negotiation practices of empowerment and to contribute to a general theory of negotiation power. On the other hand, the article provides some recommendations from negotiation theory to empower humanitarians. Indirectly, by analyzing and supporting the power of humanitarian frontliners, this article also aims at refining the reflection and action of every negotiator when confronted with tough bargainers.

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Introduction

Imagine your worst nightmare negotiator—authoritarian, hard-nosed, positional, coercive, and unbearable, the sort of counterpart who is used to dictating the deal terms to anyone around them, to not giving in anything, and to getting their way. Now multiply the difficulty by ten, and you might form a picture of who and what humanitarian frontliners are confronted with daily in local crisis situations. They are coping with overpowering counterparts—defined as assertive state and nonstate actors, military authorities, or armed groups. Humanitarians could be deemed so powerless as to throw in the towel. Military necessity and military spokespeople appear so compelling that negotiating to provide some operating space for humanitarian necessity seems hard to conceive of, conduct, and conclude, if not insurmountable.

And yet, surprisingly, humanitarians leverage negotiations in the field with quite an edge. Frontliners construct working relationships and creative solutions with many tough bargainers, as “talking to the other side” (Jackson 2012) is often their only safe avenue to access those affected by conflict and to deliver humanitarian aid and protection. Is it ever easy for local frontliners to proceed and succeed in conflict settings? Rarely, but the means they deploy, internally among humanitarians for alignment and externally with many stakeholders, often prove both legitimate and effective, highlighting their unlikely power.

Together, humanitarian frontliners shape a model of responsible negotiation, which invites negotiators in general to adjust how power is viewed in the absence of coercion and when guided by strong principles, acceptance, and action for the common good. French and Raven (1959) identified six sources of power: coercion, reward, legitimacy, expertise, relationship, and information. The first one, coercion, needs to be put aside, as humanitarians cannot exert force or threats (except threats of leaving) over their counterparts. However, through the other five sources of power, they leverage a *lateral power for getting things done* (Fisher and Sharp 1998; Specter and Zartman 2003). Indeed, from their activities worldwide and locally, and the reputation of their organizations, humanitarians can accumulate legitimacy, expertise, information, and a web of relationships that they can leverage through some sort of reward, that is, the distribution of aid.

Humanitarians' "power in practice" (Adler-Nissen and Pouliot 2014) combines both reputable social interactions, which are a source of relational power with others (the capacity to engage with anyone), and competencies or resources, which are a source of transactional power (the capacity to deliver aid). These two sources resemble the "soft power" that coopts others rather than coerces them through "hard power" (Nye 1990). Even though humanitarians lack coercive power (the capacity to act unilaterally), they exhibit the soft power conferred by the legitimacy of their activities to alleviate suffering, which is recognized transnationally but also convinces the local authorities to talk to them. Humanitarians become continual negotiators *with* those local counterparts and thus can leverage their capabilities and their capacity to provide aid and assistance. They seek acceptance and their counterparts' consent to operate (Grace and Lempereur 2021).

The purpose of this article is both descriptive and prescriptive. On the one hand, it provides multiple examples—drawn from interviews and the literature—that document humanitarians' negotiation practices of empowerment when confronted with hard bargainers, illustrating how humanitarians approach and influence them. The article can also contribute to a general theory of negotiation power. On the other hand, the article provides recommendations and tools from negotiation theory to complement humanitarian empowerment practices.

Both humanitarians and negotiation theorists can thus learn from each other and shape a responsible conception of the power of getting things done without coercion. Indirectly, by analyzing and supporting the power of humanitarian frontliners, this article also aims at refining the reflection and responsible action of every negotiator when confronted with tough bargainers.

Humanitarians' sources of power in negotiation correspond with three pillars: people and relationships, problem-solving, and process facilitation (Lempereur and Colson 2010; Lempereur 2011).

The Power of People and Relationships

The need for humanitarian frontliners to start and sustain relationships with those who control territory ("counterparts") is often a prerequisite to get access to, and serve, the most vulnerable. Does this wish to build a relationship come naturally to humanitarians? Often not, as some of these counterparts might have perpetrated terrible acts of war or terror and might consider negotiation to be the continuation of war by other means; thus relationship is the least of their concerns and bullying others is commonplace. It thus can make relationship building a rather repulsive task to contemplate for humanitarians. At first, there is an apparent dilemma for them. They can have no relationship at all with the people in control—and no access to people in need—or a nauseating relationship with possible access. Even if it costs emotionally, this dilemma can be addressed pragmatically. No doubt that humanitarians will choose the latter option of humanitarian *realpolitik* and engage counterparts; however bad company they may look like. Indeed, the prospect of mitigating suffering, guided by the first humanitarian principle—humanity—is better than feeling good about a relationship with whomever, even if it is unpleasant to their conscience. In Spinoza's words: "Less of something bad is in reality something good."[1] If humanitarians do not yet have any power in such a relationship, there is at least the potential to engage a counterpart and seek acceptance to be authorized to operate and thus serve people affected by conflict. But to realize fully the relationship between humanitarians and the people in control, it must include the features that are outlined below.

Establish "Good-Distance" Relationships

Knowing that an association with a counterpart, as defined above, is potentially toxic, humanitarians are motivated to seek a "good-distance" relationship—one located between "no relationship" or "not enough of a relationship," which gets nothing done, and "too much of a relationship," which potentially leads to the appearance that humanitarians are taking sides and are compromised. Fisher and Ury (2001) call these "working relationships." The principle of neutrality requires a humanitarian "not [to] take sides or be regarded as doing so, either in its speech or in its actions, at any time or in any place" (ICRC 2015b).

There is power in engaging someone who could support access to a territory, but humanitarians cannot blindly trust their counterparts or form friendships with them. In *Humanitarian Negotiations Revealed* (Magone, Neumann, and Weissman 2012), the authors describe the involvement of Doctors Without Borders (MSF) in Myanmar as "golfing with the generals," ironizing the notion that proximity with one's counterpart must be kept under check. Even the place where humanitarians and their counterparts meet—such as a golf club—can be perceived as problematic.

In an interview with the author, one humanitarian told the story of a warlord who asked the humanitarian and a colleague to accompany him to a village that he had "liberated" in a West African country. Both humanitarians agreed. When the three of them arrived at the village and a crowd started assembling, the warlord put himself between both humanitarians, took their arms, and put them up in the sky as a sign of victory, declaring: "Now, thanks to me, these two humanitarian organizations are here for you." Any relationship that gets out of hand can easily be instrumentalized by counterparts and misinterpreted by others. Due to their naivete, these two humanitarians had been manipulated and unintentionally had reinforced the legitimacy of their counterpart. The relationship was too close; their trust was abused.

This good-distance—or working—relationship with counterparts can be differentiated from humanitarians' relationships with their colleagues, with whom they seek trusting and sustainable partnerships and alignment in action. With nonhumanitarian counterparts, a working relationship aims merely at achieving effective lines of communication, clear commitments, and the delivery of services. It is about getting things done, not about making friends.

Ensure Equidistant Relationships

Humanitarians can leverage relationships in another powerful direction by having the *same* good-distance relationships with *all* counterparts. When the author asked the president of an international humanitarian organization "Do you really talk to anyone?" he replied: "We talk to anyone who is ready to talk to us." There is power in opening and maintaining these *multiple, parallel* channels with as many counterparts as humanitarian necessity requires. An adequate stakeholders' mapping is crucial here so that no major counterpart is ignored, and each is engaged properly, whether they are seen as legitimate or not. It is not that humanitarians need to engage only some of them, but as much as possible, *all of them*, as long as they can facilitate a "license to operate." At a 2015 conference in New York of the International Peace Institute,[2] a representative from an international relief organization in a hotspot declared that he would call 25 counterparts of their network, ahead of a prospective convoy, and ask each of them to confirm the safe passage. The same message equally conveyed to all the belligerents increases the safety of operations and therefore the humanitarian power to deliver.

During the Great Famine in Greece of the winter 1941–1942, Marcel Junod (1951), an ICRC delegate, negotiated the rescue of the starving population, with the support of neutral Turkey. During the same week, he traveled to London to convince the Lord of Admiralty to lift the blockade and to Berlin to engage the head of the Krieg's Marine. Through these equidistant relationships with both belligerents, Junod received assurance that neither the United Kingdom nor

Germany would sink the *Kurtulus*, a boat chartered by the Turkish Red Crescent. Sharing the coordinates of the boat itinerary with both sides allowed the *Kurtulus*—painted in white—and later five other Turkish boats to navigate safely from Istanbul to the harbor of Piraeus in Greece for relief efforts.

Develop Cultural Sensitivity

A few years ago, a survey conducted by the Centre of Competence on Humanitarian Negotiation[3] revealed that 42 percent of humanitarians found it challenging to negotiate with "irrational people." This high percentage is surprising for aid workers. From this attribution or assumption of irrationality, we can infer that it was hard for humanitarians to understand local counterparts, to deal with them, or even to predict their actions. This perception increases uncertainty and thus decreases the negotiation power of expertise but also of relationship, mostly for expats. Is it possible that they had not been prepared well to operate in a specific environment, or not informed enough about a counterpart, their background, their culture, etc.? Humanitarians and counterparts often come from different national, organizational, and professional cultures and therefore do not share the same worldviews. It might not be that counterparts lack rationality, but that their rationality is not grasped. What humanitarians may view as irrational from their perspective might just be a confrontation with behavioral norms in a context they do not know well. Supporting humanitarians' capacity to negotiate across worldviews (Lempereur 2022) is therefore essential; they need not only to strengthen self-knowledge of their own worldviews (an exercise in self-empathy) but also develop the knowledge of their counterpart's worldviews (an exercise in empathy toward the other side). It supposes cultural sensitivity that can be enhanced in mixed communities of practice, inclusive of both local staff and expats.

The more humanitarians get introduced to "the local ways" things are negotiated in a new place where they are posted, the less irrationality they will perceive, the less surprised and the more empowered they will be. Local staff and colleagues who are familiar with an ecosystem can play a key coaching or training role, helping newly appointed expats frontload a counterpart's rationality and increase their cultural sensitivity and efficiency. If negotiators are so prepared ahead of encounters, they will not feel so estranged. They can also be accompanied in meetings by interpreters who can "translate" the ways and words into the expat's language and thinking. Such cultural interpreters increase understanding and avoid faux pas.

Leverage your Organization's Reputation

It is not Ms. or Mr. X who meets a counterpart; it is a representative of a humanitarian organization. Much of the person's power stems from their organization and its reputation in a place, which often precedes any individual, however talented they might be. The longer an organization has operated in a place and delivered services according to humanitarian principles, the greater is its power and that of its negotiators. This is a clear illustration of the power of legitimacy.

Prepositioning provides leverage in that respect. If an organization is present before the start of a conflict or war, and is known for its good work, forming relationships will be easier. The National Red Cross or Red Crescent is known in any country; thus, a representative of the ICRC, in a war situation, will have more leverage in asking for a meeting than representatives of new or less well-known organizations.

Hand over a Relationship Network

Starting relationships from scratch, even in a place where an organization is prepositioned, is more difficult than having them handed over by colleagues, who can make introductions. There is nothing worse than a head of mission who leaves their post before the incoming one has arrived. The network of relationships and all the expertise that the former has accumulated need to be handed over to the latter. Having an updated stakeholders' map is good, but organizations or individuals need to build processes that make it standard practice to help a new colleague's onboarding, not simply with team members but also externally, with colleagues of other humanitarian organizations and with counterparts.

Of course, everything must be evaluated based on how successful the person has been in the relationships that they are handing over. If they have been declared "PNG" (persona non grata), it is better to start with a clean slate, but even in that case, there are alternative people who can initiate introductions.

Whether a humanitarian negotiator builds or inherits a network of relationships, it needs to be sustained. Counterparts must be engaged on a regular basis, by phone, SMS, applications such as WhatsApp, or in person. It is not simply when a need arises that somebody is contacted. Checking in with interlocutors has to become a standard practice, so that no one is surprised by a call and request.

Build Humanitarian Coalitions and Coordination

As already stressed, humanitarian negotiators draw power from their own organization and from the accumulated local knowledge and network of the staff in place or departing. In the same vein, the more they collaborate, locally and globally, with other organizations sharing their goals, the stronger their coalitions and coordination, and the less they can be played against each other. Too many times, humanitarians operate in silos, even within the same organization. Their goals, networks, and activities might be complementary, but they do not share that information with each other, and compete rather than cooperate, at the expense of trust. More humanitarian training in negotiation essentials, including the value of cooperation, coordination, and coalition building, is indispensable, as well as the mainstreaming of structures and processes to fight silos and develop common platforms.

In a mission in Maiduguri, Borno State, for example, the author observed how the Nigeria INGO forum served as a "collective platform for international NGOs to coordinate actions, exchange information and advocate for a principled and effective delivery of much needed assistance to the affected population."[4] When a staff of a member organization was arrested in 2019, it was possible to activate the INGO forum as one voice for support and it helped in negotiating their release.

The role of coordination and collective support is also that of the United Nations Humanitarian Coordinator (HC) who, in a specific country, serves all the members of the UN Humanitarian Coordination Team (UNHCT), whether they belong to UN or non-UN humanitarian organizations.[5] The HC is designated to strengthen the humanitarian coalition and serves as the spokesperson of all the members. With the UN Office of Coordination of Humanitarian Aid (UNOCHA), processes are put in place to enhance coordination.

What is done to build stronger coalitions across centralized humanitarian organizations is equally useful within some decentralized organizations. For instance, Doctors Without Borders (MSF) currently counts 24 sections and 17 branch offices.[6] This format ensures local responsiveness—for example, in terms of logistics or supply—but creates risks of discordance. "Intersectional work" becomes essential to ensure the exchange of best practices or learning from mistakes. For example, MSF created the CRASH, which "is a unique structure in the world of NGOs. Its purpose is to inspire debate and critical reflection on field practices and public positions, in order to improve the association's actions."[7] It led, for example, to a unique case book, *Humanitarian Negotiations Revealed* (Magone et al. 2012).

Leverage Champions

Whatever their nature, even authoritarian or totalitarian, each system in which humanitarians operate is not monolithic. Without being naive and while maintaining a good-distance relationship, humanitarians can identify authority figures with whom relationships are likely to yield promising results. Getting champions in counter-structures is key to supporting humanitarian access.

However, in volatile contexts, influential authorities can quickly vanish or shift. In Afghanistan, before sending a convoy on a dangerous road, a humanitarian checked with a local champion, a Taliban member with whom he had a working relationship, to ensure that everything was good to go. When stopped at a checkpoint on the road, the humanitarian frontliner asked the obstructing person to call his champion, but he was told he was just killed. From this anecdote shared in an interview with the author, the lesson is that it is better not to rely on one authority only. It is prudent to get from a champion the contact details of a colleague, whether a subordinate, a peer, or even a boss, just in case he cannot be joined. The more potential champions in the chain of command, the safer.

Use Relationship as the Only Concession

There is one last reason why a working relationship with counterparts is essential to increase power. In many situations, granting such a relationship might be the only concession humanitarians can make to counterparts. The existence of a relationship, based on respect, is sometimes enough not to concede anything else on the substance, as outlined below.

The Power of Problem-Solving

Most negotiation theories suggest moving from a zero-sum game toward a positive-sum game, where both sides win. However, when humanitarians try to create value, they do so to increase value for those most affected by conflict, that is, the civilians or the noncombatants. The best outcome in humanitarian negotiation would avoid diverting any aid away from the final beneficiaries to counterparts. Is it always possible to prevent counterparts from levying value, such as food or medicine? Here is a new dilemma, between allowing no levy at all with the risk of no deal with a counterpart and allowing some levy to have access to, and serve, the beneficiaries. It reignites the fight between "*mani polite*" (the "clean hands" policy to fight corruption in Italy) and its opposite, the "dirty hands," in line with the question of Jean-Paul Sartre (1948), whether we can permit some level of compromise about principles (if not corruption) to save a higher ideal. Humanitarians might choose pragmatism again and consider that in a local context, some levy is sometimes unavoidable and even acceptable if most of the aid reaches the beneficiaries. It is hard to clarify what “some” levy means. Does it mean 10 percent, 20 percent, or 30 percent of a load? Because a levy that is as close to 0 percent as possible is the best outcome, here are some extra levers that humanitarians might use to reach it.

Share Motivations, Justifications, and Principles

When they meet counterparts, humanitarians have an interest in outlining the key motivation that legitimizes their action, that is, the emergency experienced by the people affected by conflict. They can justify *why* the available aid needs to reach them now, and without levy, and *why* it is better that they distribute the aid themselves rather than let anyone else manage it. Here, the humanitarian principles of impartiality and independence serve as justifications. The former principle requires that there be no discrimination in aid distribution—that all of those who have been assessed in greatest need receive it, without any other consideration. As to the principle of independence, it requires that humanitarians maintain their commitment to autonomy, and thus both their neutrality and impartiality, which would be compromised if they depended on the goodwill of a counterpart or proxy to deliver the aid.

In a public setting at Brandeis University, a humanitarian, active in Syria, told of the time she was transporting blankets that were supposed to reach a village. On the road, she was stopped by armed men who wanted to confiscate all the blankets because—they argued—their troops needed them during the winter. The humanitarian asked them, “If your mothers and sisters were living in the village, would you not want them to receive the blankets?” And they let her go. Here, the application of the first humanitarian principle—humanity—expressed in the simplest and most persuasive terms, appealing to a sense of family, helped her through. The power of legitimacy acts as a strong lever to avoid aid diversion, even if principles are often questioned and are perceived differently by various protagonists.

Anchor or Counter-Anchor

The example involving the delivery of blankets also illustrates a cognitive bias that humanitarians (and every negotiator) should keep in mind when they receive or make an offer. Tversky and Kahneman (1974) called it “anchoring.” They demonstrated that whatever offer is put on the table first, it tends to become a reference in the rest of the conversation and the other side often adjusts to that anchor. In the case involving the blankets, the men in arms anchored high by asking for *all* the blankets, but the humanitarian was unmoved (“unanchored”), and counter-anchored low by giving justifications to offer *none*.

Confirming the general theory of anchoring, the takeaway from that case is that any negotiator, humanitarian or not, can prepare and start with an aspirational anchor, the "dream" outcome—for example, the strict application of international humanitarian law (IHL)—and the anchoring might operate on and impress the counterpart. Reversely, if a counterpart is starting with a very high offer, it helps not to react, not to look surprised, and not to be anchored, but to respond *softly* with a very low counteroffer, which itself is anchored in a strong reason. The power of legitimacy (the justification for an anchor) can often overcome the power of a counterpart's coercion.

Put a Foot in the Door

Does the power of anchoring operate automatically? Of course not. For example, IHL is clear as to the five conditions of access to prisoners of war: the ICRC has the right to visit all detainees, in private, in all prisons and premises, and to visit again (ICRC 2015a). These clear conditions can be used as an anchor, and all the signatories of the 1949 Third Geneva Convention should give access to prisoners accordingly. However, in local contexts, the ICRC delegates are often compelled to negotiate with counterparts for these conditions to be met. The delegates might be denied access to some prisons, premises, or prisoners. Is it enough to not visit any prisoner? The foot in the door applies here, like in many other cases. Even if the counterpart only gives access to some prisons or some detainees, it is a starting point, and this success can be built upon, and used to get closer to the legal entitlement.

Junod (1951) followed the foot-in-the-door principle when he visited allied prisoners of war detained by the Japanese during World War II. Colonel Matsuda, the commander in chief of all the war prisoners' camps in Manchuria, was stalling and politely refused to allow Junod to meet any prisoners. Junod succeeded in negotiating access to two high-ranking prisoners, General Wainwright and General Percival. The latter told Junod: "Promise me that you will come again." "I will do what I can," replied Junod (270). When they met again in Yokohama, Japan, three weeks later and after the first atomic bomb had fallen on Hiroshima, Percival said: "This time we shall be able to talk in peace" (Junod 1951: 271).

Scope Down and Scope Up

Although IHL gives humanitarians the right to meet with people in need, they often are denied such access. As described above, they sometimes reluctantly agree to "scope down" their expectation that counterparts follow the law as it exists *(lex lata)*, and they accept less than what they are entitled to, *for now*, with the determination to "scope up" *over time* until they persuade their counterparts to abide by the Geneva Conventions.

Humanitarians can also use scoping up to ask for more than that to which they are entitled under IHL. As local circumstances often shape the nature of humanitarian work, what is needed in the field is not always contemplated by IHL, and even less often written into it. For example, when prisoners of war were detained on both sides of the front during World War I, there was no legal basis on which to make Geneva a post office for the belligerents' prisoners to provide a way for them to reassure their families. An "upper" humanitarian scope of action had to be negotiated and was agreed upon as a good humanitarian practice by all the belligerents. Local practice and solutions constituted "good precedents" that then served as the future law, the law to enact (*lex ferenda*).

Junod demonstrated another example of the power of "scoping up" through negotiation when he visited German-controlled prisoners' camps during World War II (Junod 1951). He first visited a camp holding British prisoners of war; he then saw another camp nearby. He asked who the camp's prisoners were, and Major Breyer, a German commandant, said "Russians" (Junod 1951: 227). The USSR was not a signatory to the Geneva Conventions at that time, so the ICRC did not have a legal mandate to visit that camp. Junod wrote:

> When I consider the limits which were thus so rigorously imposed on our activities I always remember the words of Sydney Brown when I first met him in the library of the Villa Moynier on the eve of our departure for Abyssinia in 1935: "There are the official Red Cross texts, of course, but above all, there's the spirit of the thing."
>
> It was that spirit, the spirit of combat, which we kept alive in us and which so often persuaded us to attempt the impossible, to extend the limits imposed on our action against the efforts of those who just as constantly tried to restrict them still further. (Junod 1951: 220)

Thus, "in the spirit of the thing," Junod negotiated with the German commander so he would allow Junod to visit the Russian camp, and he obtained access. By persistence, humanitarians have increased their power of problem-solving by scoping up. Legally, they can do only "this much," but ethically, they end up getting "that much more."

When Henry Dunant (1939), the future founder of the Red Cross, arrived on the battlefield of Solferino in 1859, he supported the wounded of all nationalities as the women of Castiglione who nursed them, because they were "all brothers" ("*tutti fratelli*") (Dunant 1939: 72). As a private citizen, he negotiated "the release of the imprisoned

Austrian doctors so that they could tend the wounded, a request that was granted" (Bugnion 2012: 1,304). One of Dunant's friends from Geneva, Comtesse Valérie de Gasparin (Bugnion 2012), raised funds to support hospitals in Brescia and Verone that cared for 55,000 wounded. These initiatives did not originate in the power of law or through any authority. They stemmed from well-intended individuals who embraced the power of getting things done locally, while embodying the principle of humanity.

Assess, Inform, and Trigger Humanitarian Impulse

Humanitarians cannot act adequately if they have not assessed the needs on the ground. They need to negotiate access to assess a situation. There is power in local assessment because it provides first-hand information. Dunant is known for having written *A Memory of Solferino*, a book in which he narrates his observations on the battlefield. He starts by describing the courage of officers and soldiers fighting with each other. As the battle ends, he continues his account, but this time, he is struck by so many soldiers who were heroes a few hours ago and now are lying down, many dead, some dying, and even more wounded. His assessment indicates how the medical corps is overwhelmed. He makes the soldiers speak, ask for water, for care, etc. He ends his book by asking, "Would it not be possible, in time of peace and quiet, to form relief societies for the purpose of having care given to the wounded in wartime by zealous, devoted and thoroughly qualified volunteers?" (Dunant 1939: 115). The power of this narrative was such that when he sent his book to a few European heads of state and their spouses, he touched their hearts, which contributed to humanitarian problem-solving. Every negotiator benefits from always keeping in mind the power of touching hearts.

Assessing a situation and informing others of dire circumstances is part of the mission of humanitarians. Their power of information often triggers humanitarian impulse beyond humanitarian circles. To comment further on the story of the Great Famine in Greece during the winter of 1941–1942, Lucie Odier told her ICRC colleague Junod: "I am quite sure that we will succeed in persuading the admiralty" (Junod 1951: 177) about the vast and compelling need of the starving people, and they did, even if it meant sharing terrible pictures of starving children. After long discussions, the representative of the First Lord confided to Odier and Junod, "What you are doing is admirable" (Junod 1951: 180). Whomever humanitarians are negotiating with, they can touch their humanity, which is the stepping stone for the next moves.

In wars, the negotiation space is logically shrinking, but even then, while enemies kill each other, there remains between them a small zone of possible agreement of which they are often unaware, and that keeps their hearts open to the compelling humanitarian necessity, next to the prevailing military necessity. There can still be room for negotiating the exchange of prisoners, humanitarian corridors, safety zones, the protection of hospital facilities, etc. When there is hardly any political room for negotiating, all that is left is humanitarian negotiating to mitigate the worst effects of war.

Assess Alternatives and WATNAs

As mentioned, when a counterpart controls a territory, it is hard to conceive of ways to get access to it other than through negotiating with—and getting consent from—that authority. Humanitarians seem not to have good alternatives. The World Food Program can always organize aid airdrops, for example, but this alternative—which can be implemented with less negotiating or none at all—is ten times more expensive than distributing aid through land transportation. So the best alternative for humanitarians often looks like a WATNA, a "worst alternative to a negotiated agreement."

As often power amounts to strong alternatives, the lack thereof for humanitarians seems to favor their counterparts. However, many counterparts, whose wars monopolize much financial and human resources, are overwhelmed by the burden of caring for the basic needs of the populations under their control and providing the medical care required by the war. Development professionals and aid workers have often left conflict zones. Therefore, counterparts do not necessarily have many good alternatives either. They are left with those few who stayed—the humanitarians. Not agreeing to humanitarian access can worsen a counterpart's situation. It is therefore also in their interest to allow humanitarians to meet the basic needs that they cannot.

So, humanitarians should not worry too much about their lack of "good" alternatives. Their counterparts are pretty much sharing the same fate. War is leveling. What humanitarians should care about is making sure that when they talk to their counterparts, they do it in ordered coalitions with much coordination, and not in dispersed ways.

Manage Bribes and Unwanted Requests

In a humanitarian negotiation workshop the author delivered in 2015 in the African Great Lakes region, participants were reluctant to share their field behaviors with each other. To deliver aid, they were often compelled to negotiate with warlords or foot soldiers who ransom them under threat. Humanitarians hesitated to confess that bribes were often the only means of passing checkpoints safely and getting things done, which contravened their organizational code of conduct prohibiting any corruption. What they discovered is that it was a common local practice among colleagues. From the observer's viewpoint, it looks like the "do not ask, do not tell" reality summed up the compliance policy:

headquarters would not ask and frontliners would not tell. Such an approach creates huge discrepancies between frontliners' expected behaviors and their field practice.

Of course, when bribing has started, it becomes a precedent that is hard to stop or even amend; it might just amount to a common practice or Standard Operating Procedure (SOP) in a specific context. However, a discussion is needed in headquarters to examine how it can be avoided, but also if there are borderline situations, where paying a bribe, beyond being commonplace in a context, might be a matter of life or death for safe passage and staff survival. In the documentary *Triage* (2008), James Orbinski (2008), recounts such a negotiation in Somalia where armed men kidnapped Lesto, a staff manager, and threatened to kill him if they were not given mattresses and money. "How much for his life?" Orbinski asked "500." They went away with all the mattresses and $500. With humor, Orbinski summarized, "It was a good deal." A good humanitarian is a humanitarian alive. A life is worth more than any amount of money. Similarly, in 1944, Raoul Wallenberg in Budapest did not hesitate to bribe Nazis or Hungarian Arrow Cross gang members to save persecuted Jews. When the lives of the most vulnerable or of staff are at stake, money might not be the most precious good to save; it can be replaced; lives cannot. Bribing in these extreme conditions might become the least of evils.

Another story that a member of a humanitarian organization shared with the author gives nuance to this question of unwanted request. Two armed Taliban members, whose car had broken down, stopped their car. They asked to get on board to be dropped at the next village so that they could get a mechanic to fix their car. They were armed, and the rule of that organization is that you are not authorized to use official cars for unrelated missions. Transporting two armed Taliban members clearly violated policy, but not transporting them could be riskier for the staff. Again, humanitarian frontliners were confronted with a dilemma between two bad solutions, from which they had to choose "the least bad." Through negotiation, they agreed that they would take these two passengers in the car with their weapons but drop them one mile from the village so that they would not be seen entering the village with the Taliban members on board. This satisfied both sides' interests.

As a facilitator, I often share the case above with participants in humanitarian negotiation workshops and ask them what kind of creative options they can imagine. In a brainstorming mode, they come up with many alternatives: leave the weapons in the broken car or bury them; hold the weapons outside the car while it is traveling; call the main office to get a mechanic to fix the car and stay there as long as needed, etc. Clearly, a workshop launches a community of thinking. Moreover, it can set the seeds of an ongoing community of practice, a safe and courageous space, where urgent local challenges are discussed without fear or shame with the whole staff, where everyone thinks of good ways and even better ways of serving the beneficiaries, the principles, and everyone's safety at the same time. This collective approach serves to get the humanitarian negotiator out of the closet. It creates a power based on common expertise and safe relationships.

Ensure the Legitimacy of Outcomes

Can stories like this—being bribed at gunpoint or confronted with two Taliban members and their broken car—be negotiated differently than they were? Possibly, but humanitarian frontliners are often confronted with on-the-spot dilemmas in which their main purpose, saving lives, is at odds with their principles or normative frameworks. Their usual negotiation practices and their best calls sometimes bend or break standard rules of compliance. These situations call for ethical contextualism (Timmons 1999), in which ethics are brought into context and humanitarians consider all the variables and specific circumstances in each local situation. This pragmatism seems more operational than blindly applying a priori rules or ethical codes that have been promulgated in the comfort of headquarters or international conferences. Decisions in emotional high-stakes negotiations are not perfect; they are often even questionable. After the fact, it is always easier to come up with better solutions, but frontliners often deal with armed hard bargainers, not hypotheticals. It is hard to verify if some of these "better" outcomes would have worked for real and would have kept them alive.

The Power of Process Facilitation

Negotiation is not simply about people and problems; it is also about process, that is, the capacity to get from A (the problem) to B (the solution), while creating or preserving a relationship. Process facilitation requires a breaking down of time, with a sequencing of preparation and meetings, and of tactics and moves. A frontliner's preparation can be personal and/or internal to an organization, but also external and integrate other humanitarian individuals or organizations to build strong coalitions. Meetings could be internal to define the mandate and redlines, but also external, within the humanitarian community or with counterparts. Internal meetings can rebound after external encounters to consult, debrief, and follow up. Process substantiates a double process of "zooming out" (the big picture, the strategy over time, a long line or path of unfolding, the long-term dynamics) and "zooming in" (the details, the tactics at a specific time, the different points making that line, the short-term moves). To increase their power, frontliners—as any other negotiators—have an interest in being as agile as possible with people, problems, and now, process.

Prepare in a Structured Way

It is commonly said that better preparation is a power factor in negotiation. Humanitarian frontliners who are better prepared will be more powerful. Preparation encompasses everything that this article has covered so far to structure interactions.

Humanitarians need to plan for relationship building and problem-solving. The more they know about their various counterparts, the good and equal distance to maintain, the culture, the worldviews of those they meet, the better prepared they are. The more alignment they create among humanitarians within and across organizations, the stronger their coalition is to approach any issue. The earlier they identify the champions we mentioned above and the earlier they contact them, the better they are at leveraging relationships with them for problem-solving.

As it comes to problem-solving, the more that humanitarians gather information, assess situations properly, and think ahead of time of responsible solutions in line with humanitarian principles and their normative framework, the more they consider how to anchor them with justifications, and how to imagine realistic alternatives, the better equipped they are when an issue is raised. The more patient but also persistent they remain in iterative negotiations, the more they can build on what they already achieved (even if it is scoped down) and ask for more (scope up). The more creative the options they consider when they are faced with ethical redlines, the more power they can exhibit.

Ahead of important meetings, they can also organize collective prep sessions and do dry runs and role-plays to test approaches, ideas, and arguments in order to get even closer to real-life meetings to come.

Step Back in a Flash Preparation

Still, the kind of homework we just mentioned has its own limitations. By definition, frontliners, however well prepared they are, face frontline uncertainties and unpredictable counterparts for whom they do not always have time to prepare in a structured way. They cannot map everything in advance in terms of relationships and solutions. This is where the concepts of "stepping back" and "flash preparation" are essential. They come on top of everything outlined in the previous point.

When confronted with a new situation, humanitarians are tempted to adopt regressive negotiation behaviors, such as those described in the Thomas–Kilmann test (1974) on conflict modes: they will avoid the conflict (flee), accommodate the other side (freeze), or compete (fight). Such instinctive behaviors stem from what Kahneman (2011) calls "System 1 thinking," which is instinctive, automatic, and fast. It might be necessary, however, to catch System 1 risks on the spot, before they play out, and resort to "System 2 thinking," which is more analytical, deliberate, slow, and rational. At this juncture, it is useful to step back and think, even for five seconds. These few seconds allow for a flash preparation. It enables one to discern the *key objective*. Imagine Orbinski at gunpoint determining, in the flash of the moment, that there was just one objective—to save Lesto, his colleague.

Frontliners might consider that they do not always have time to prepare and are confronted with many situations for which preparation is either impossible or inadequate. This is why a structured preparation that occurs in a safe environment, preferably with colleagues, needs to be distinguished from *flash preparation*, which happens in the challenging moment. Both serve the same purpose to increase the power of meaningful action, anchored in reflection, even though such reflection is, at times, brief. Every negotiator, whatever their sector, can practice flash preparation on the spot.

Put People First

As noted above, sometimes forming a relationship with one's counterpart is the only concession that frontliners can make. It is therefore important not only to organize the encounter (in one's head or in the room) but to start it on the right foot.

This means putting people first. Showing attention and respect to any counterpart in the first seconds of an encounter, even when it is impromptu, creates a healthy foundation for the negotiation, even if the other side seems to be scowling. This "first good impression," as the French minister of foreign affairs Talleyrand called them, will often be decisive for the rest of the conversation. Fisher and Ury (2001) summarized this by saying that we need to be "soft on the people." Frontliners need to ensure that their counterparts feel respected and welcome, are sitting comfortably, and have a glass of water and possibly some simple food. In the spirit of the good-distance relationship, we need to avoid being overly cold or overly warm.

Putting people first at the beginning of every encounter (Lempereur 2015) to bet on a working relationship does not mean discarding them later. Relational moves may need to be renewed when people become tense, angry, contemptuous, lost, etc.; as topics get difficult; or as the discussion becomes heated or stuck. A pause, a coffee break, can calm down the situation and reconsolidate the relational foundation upon which to build.

During the Japanese occupation of 1937, John Rabe (1998) was instrumental in creating an International Safety Zone in Nanking that saved over two hundred thousand Chinese noncombatants (Lempereur 2016). Even though he knew of the massacres and rapes that the Japanese troops perpetrated daily, he remained polite in his interactions with the Japanese militarists and diplomats because he saw it as the best opening to get what he needed from them. In his diary and with his close colleagues, Rabe showed his impatience and frustration, but his demeanor remained courteous—though persistent—in public. He even attended social events, such as cocktails or recitals, to which the Japanese invited him. Some humanitarians who worked with Rabe questioned him on his capacity to manage this unbelievable contrast between Japanese brutality during the day and refinement in the evening. Even though the inner voice of many humanitarians might be roaring and disturbing, their outer voice will be more convincing if it remains calm and composed. This sounds like another guideline for any negotiator who is confronted with their inner legitimate anger but can keep it under check in the presence of their nightmare negotiator.

Set the Purpose and Orchestrate

Whether the preparation was thorough or quick, it clarified the purpose of the negotiation. Many negotiators have complex agendas, with multiple, if not sometimes contradictory, purposes. This is less the case for humanitarians. If their negotiations or operations are often complex, their overall purpose is simpler—to protect the lives of the most vulnerable, the noncombatants, and, as Rabe wrote, “the poorest of the poor.” This purpose will determine limited activities or outputs to support life and its basic needs, that is, provide clean water, food, sanitation, and basic health care.

When a modicum of a working relationship has been established with a counterpart, it is time for the frontliner to shift to the next step: clarifying the purpose of their visit and setting the agenda (Lempereur 2015), which may be to get access to the most vulnerable in order to assess their immediate needs or to provide services to fulfill such needs. Frontliners have an interest in keeping their agendas narrow and apolitical. Methodically, the same clear purpose can be repeated in all the meetings with all the counterparts in a designated territory.

A humanitarian purpose, enunciated in clear terms, anchors the conversation, and answers the question of "why" one is there, increasing the chance that all counterparts will equally agree on a common ground. This agreement provides a formula that can help in problem-solving, in answering the question of "how" to fulfill the humanitarian purpose, and in identifying solutions and operations to contemplate.

Once a common formula has been established for fulfilling the humanitarian purpose, the next question in the orchestration of a meeting (the same one or a subsequent one) is to develop the details (Zartman and Berman 1982)—the various steps of problem-solving. Such steps include sharing information on the need assessment, discussing and evaluating options for obtaining a counterpart's agreement on the operations that are necessary to provide ad hoc services, and, finally, detailing what has been agreed to, such as the opening of a humanitarian corridor or field hospital, or food distribution in a village.

Comprehend Actively

Upon reading the paragraphs above, one may tend to assume that conversations with counterparts are always structured, smooth, constructive, and linear. Actually, there are ebbs and flows, and setbacks. A discussion can move from being fluid, with both sides listening to each other and open to persuasion, to one or both sides showing signs of impatience, reluctance, or misunderstanding, interrupting each other, etc.

Let us start with the *first hypothesis*, in which communication flows well. A humanitarian can contribute to such dialogue by adopting good practices of active communication (Lempereur and Colson 2010). Active communication is based on two successive moves, that is, a dual capacity, first, to demonstrate comprehension of a counterpart and, second, to develop convincing arguments addressed to them.

Seeking to understand the counterpart is often a good first move. It is improved by using active listening (Rogers and Farson 1987), which is more than benevolent listening and requires an active restating of not only the facts and opinions of an interlocutor, but their feelings as well. This approach of putting oneself in the other person's shoes helps one to build empathy with the other side (Mnookin, Peppet, and Tulumello 1996). In this way, humanitarians can connect better with their counterpart and prepare the second part of active communication, discussed below.

Convince Actively

Empathy, once developed by understanding the counterpart (the humanitarian's first move), facilitates the act of persuasion, the stage of the negotiation in which humanitarians can assert their own messages. They frame their arguments in such a way that they resonate with the counterpart's worldview and seek their agreement. In undertaking this second move, it is important to maintain the highest possible level of empathy.

In brief, empathy enables humanitarians both to comprehend and to convince. It is the key to a powerful communication process and mutual understanding, in which humanitarians first show that they understand what a counterpart is saying, and second, persuade the counterpart to buy in to their humanitarian messages.

Handle Misunderstandings and Emotional Takeovers

Whenever empathy is lost, a *second hypothesis* comes into play. Here, the humanitarian is unable to connect to their counterpart while either trying to comprehend them or convince them. As connection is often a two-way street, it is likely that the counterpart also lacks empathy toward the humanitarian. Relationships are at risk, while deadlocks are in sight and solutions unlikely. Much information gets lost, misunderstandings prevail, and toxic emotions—such as frustration or anger—might take over. Vigilance is required because System 1 thinking can kick in on either side, with a spiraling downward of the conversation. There is also a sense of losing the grip in a negotiation.

To act as early and adequately as possible and avoid this useless type of communication, humanitarians need to learn to go beyond words, activate more than simply their ears, and grasp their environment as "eyes in the storm" (Lempereur and Willeau 2022). They need to "look and listen," which is called "L^2" (Cheshire 2014). This way, they can become more attuned to emotions, not only through what others say but also through what they show. They develop sensitivity toward the nonverbal by reading emotions in facial expressions (Ekman 2003) and through other bodily signs (Navarro 2008). Now is the time to acknowledge the counterpart's emotions and core concerns (Fisher and Shapiro 2005). This work of recognition, which focuses on the *person* and puts the *problems* on the back burner, aims at cooling down the situation and preparing a return to the first mode of communication, a structured encounter conducive to relationship building and problem-solving.

Wrap Up

Hopefully, the conversation stayed on course or was reoriented constructively toward positive outcomes. It is now time to wrap it up.

Humanitarians, like all negotiators, have an interest in being proactive and in devoting the last five minutes of any encounter to the final three stages: summarizing what has been agreed to on the substance and what still needs to be addressed, working on the next steps of implementation, and appreciating the contribution of their counterpart.

Much of the power of negotiating resides in such structured ends to meetings. They ensure not only that the objective terms of an agreement—the solutions to the problems—are clear, but that they translate into a plan for concrete actions. Humanitarians do not solely seek "getting to yes," but above all, they seek "getting things done," the fulfillment of the agreement and assisting or providing for those in need.

Beyond seeking consent at the table, humanitarians also pursue the good faith and reliability of their counterparts, who live and operate in a volatile environment. If a counterpart has shown even a seed of goodwill, a drop of empathy toward the most vulnerable, and a willingness to let the humanitarians operate safely to protect life, all these good signs are worth acknowledging again. As an encounter comes to closure, humanitarians need to refocus on the relationship, on a promise of cooperation, and on moving forward for humanitarian necessity.

Conclusion

If ever humanitarians feel powerless with hard bargainers, they can turn to some of the 24 sources of power associated with three negotiation pillars—people, problems, and process. Their singular or combined use can help engage counterparts in ways that lead to working relationships and implementable solutions. All are to be added to the toolbox. Many spring from the practice of their peers, while a few stem from tested negotiation theories and frameworks. They do not provide hard power over anyone but can yield a *soft power of getting things done* for the most vulnerable. They consolidate a conception of responsible power that can inspire many negotiators who feel they do not have the upper hand and need more leverage with tough bargainers.

NOTES

1. "Minum malum revera bonum est" (de Spinoza, B., *Ethics*, III, LXV, demonstration; see *Complete Works*, 2002: 462).

2. See https://www.ipinst.org/.

3. See https://frontline-negotiations.org/.

4. See https://ingoforum.ng/.

5. See https://unocha.org/our-work/coordination/humanitarian-coordination-leadership.

6. See https://doctorswithoutborders.org/who-we-are/offices-around-world#:~:text=Some%20MSF%20sections%20have%20also,logistics%2C%20supply%2C%20and%20epidemiology.

7. CRASH stands for "Centre de Réflexion sur l'Action et les Savoirs Humanitaires" (Center of Reflection on Humanitarian Action and Knowledge). See https://msf-crash.org/en/crash.

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