

# Lessons from the Field

John Murray  
Senior Consultant  
CM Partners, LLC

# Introductory Comments

**What I bring to the discussion**

**Defining the negotiation process**

**A few assumptions**

**Examples from experience**

# Three Lessons from the Field

- I. Ensure Sufficient Financial Support for Internal Management and Prenegotiation Tasks**
  
- II. Be alert for, and prepared to respond to, pressures arising from actions 'away from the table'**
  
- III. Use Economic Data in Assessing the Willingness of Parties to Settle their Differences**

# I. Support the Internal Management Process and Prenegotiation

## **Tasks: Internal management process for negotiations**

- Locating appropriate people, expertise internally
- Establishing internal structures and communication channels
- Determining negotiation approach for preparation/negotiations
- Developing forums/roles/communication for decision making
- Establishing procedures for developing/implementing initiatives

## **Economic support issues**

- Sufficient funding for an effective internal management process
- Consistent, sustained funding over time
- Conditioned only on quality research and preparation
- Time period relative to the complexity and intractability of the conflict

# Prenegotiation Tasks ('Setup')

- **Scope**
  - Parties
  - Interests
  - No-deal options
- **Sequence**
  - Which parties and issues
  - When, in what order
- **Process**
  - Choices (direct, fact-finding, 3rd party, proximity)
  - Tactics, use of media

D. Lax & J. Sebenius, 2006. *3-D Negotiation*. Pp. 12, 24

## II. Respond to Actions ‘Away from the Table’

- **Party’s perspective**
  - Initiate actions ‘away from the table’
    - Create ‘facts on the ground’
    - Change the choices, framing of issues, and conflict dynamics
  - Intended consequences
    - Increase attractiveness of own BATNA – improve negotiation power at the table
    - Lessen attractiveness of Other’s BATNA – increase Other’s willingness to concede/compromise
- **Mediator’s perspective**
  - Keep alert for away-from-the-table actions by parties
    - Economic/political pressures applied by the more powerful party
    - Reactions of the less powerful party
  - Be prepared to respond

# Useful Tools for Responding to Challenges (1)

- **Identify interests and alternatives of key parties**
  - Parties and Issues
  - Interests
  - Alternatives to negotiating agreement
  - Legitimate standards
- **Draft a ‘preparation plan’**

R. Fisher et al., 1994. *Beyond Machiavelli*. Pp. 73-82.





# Useful Tools for Responding to Challenges (2)

- **Managing risks**

- Concentrate on understanding the information available, rather than gathering more information
  - Decision requirements table (build intuitive expertise)
- Design systems to be adaptable over time, to withstand unpredictable risks ('resilience engineering')
  - Pre-mortem exercise (explore risks and beyond)

G. Klein, 2009. *Streetlights and Shadows*. Pp. 144-46, 246-49

G. Klein, 2003. *The Power of Intuition*. Pp. 41, 98-101

## Decision Requirements Table

Identify a critical, difficult and frequent decision or judgment:

---

What makes this decision difficult?	What kinds of errors are often made?	How would an expert make this decision differently from a novice? (identify cues and strategies)

What are the real skills needed to handle this decision wisely and effectively? How do I practice them, and get feedback to help improve the outcome next time?

---

# III. Analysis of Willingness to Settle

- **Willingness to Talk framework**
  - Develop an effective conciliatory gesture as an Initiator
  - As the Target, evaluate an Initiator's message clearly
- **Apply 9 factors** in evaluating a gesture – the degree to which
  - **Benefits** flow to the Target rather than the Initiator
  - **Novelty** of gesture
  - **Irrevocability** of proposals
  - **Voluntariness** of Initiator's choice
  - **Non-contingency** on Target's actions (or inaction)
  - **Activity** rather than merely refraining from an action
  - **Cost** falls on Initiator
  - **Risk** rendering the Initiator vulnerable in some way
  - **No alternative motive** such as buying time or PR spin
- **Recognize that the Context** within which the gesture is given affects the perception of its genuineness and credibility.

## Willingness to Talk Framework: Analyzing the Factors

<b>Factors Supporting Willingness to Talk</b>	<b>Situation A</b>	<b>Situation B</b>
<b>1) Benefit to the Target</b>		
<b>2) Novelty for the Initiator</b>		
<b>3) Irrevocable by Initiator</b>		
<b>4) Voluntariness on part of the Initiator</b>		
<b>5) Non-contingent on actions by the Target</b>		
<b>6) An Activity rather than the omission of an action</b>		
<b>7) Costs to the Initiator</b>		
<b>8) Risks for the Initiator</b>		
<b>9) No alternative motive by the Initiator</b>		
<b>10) Context within which gestures made supports assumption that intent is genuine or instrumental</b>		

## Willingness to Talk Framework

Factors Supporting Willingness to Talk	<u>Situation A:</u> <b>Netanyahu: “Let’s return to the negotiation table without any preconditions.”</b>
<b>1) Benefit to the Target</b>	No benefits to Palestinians
<b>2) Novelty for the Initiator</b>	Not novel, business as usual
<b>3) Irrevocable by Initiator</b>	Reversible at the next press conference
<b>4) Voluntariness on part of the Initiator</b>	Intense pressure from domestic Coalition and Americans
<b>5) Non-contingent on actions by the Target</b>	Not contingent on actions by the Palestinians
<b>6) An Activity rather than the omission of an action</b>	No action, just words Further action required to implement promise
<b>7) Costs to the Initiator</b>	No costs to Netanyahu or Israel, only benefits
<b>8) Risks for the Initiator</b>	No added risk to Israel, or increase in vulnerability
<b>9) No alternative motive by the Initiator</b>	Buying time, and/or playing to U.S. opinion
<b>10) Context within which gestures made supports assumption that intent is genuine or instrumental</b>	Normal political context, not newsworthy

## Willingness to Talk Framework:

<b>Factors Supporting Willingness to Talk</b>	<b><u>Situation B</u> Netanyahu: “We impose a full settlement freeze for next four months and move to negotiations.”</b>
<b>1) Benefit to the Target</b>	<b>Economic/political benefits to Palestinians</b>
<b>2) Novelty for the Initiator</b>	<b>Completely novel</b>
<b>3) Irrevocable by Initiator</b>	<b>Once instituted, very difficult to rescind</b>
<b>4) Voluntariness on part of the Initiator</b>	<b>Intense pressure from domestic Coalition against the freeze, and from the Americans for</b>
<b>5) Non-contingent on actions by the Target</b>	<b>Freeze not contingent on Palestinian action</b>
<b>6) An Activity rather than the omission of an action</b>	<b>Settlement freeze is an ACTION</b>
<b>7) Costs to the Initiator</b>	<b>Substantial economic and political costs to Israel</b>
<b>8) Risks for the Initiator</b>	<b>Substantial risk to Israel, with vulnerability increase</b>
<b>9) No alternative motive by the Initiator</b>	<b>Same extra motives but they play only minor role</b>
<b>10) Context within which gestures made supports assumption that intent is genuine or instrumental</b>	<b>Context would place maximum importance on move to freeze settlements – major news story!</b>

# Concluding Remarks from the Field

- Blend analysis with intuition – use analytic tools to stimulate thinking, gain insight from experience
  - Internal management
  - Setup
  - Preparation plan
  - Decision requirements table
  - Pre-mortem exercise
  - Willingness to talk framework
- Look for patterns and cues to speculate about future scenarios
  - Changes in Egypt/Sudan – impact on NBI consensus building?
  - Arab protest movements – impact on Israeli-Palestinian conflict?
- Be willing to take risks in support of a healthy peace process

Thank you!