

# SESSION 9:

## Negotiation/Compromise/Non-Negotiables

(Approx. 3 hours in total)

### Session Objectives:

- To consider how negotiation can be used as a tool for bringing you closer to your objective
- To examine the myths and truths about “compromising” in the political arena
- To explore how to set the bar for your “non-negotiables”

### 9.1

#### Exercise: Finding New Options

(Approx. 30 min.)

Ask a volunteer to read the story below told by Kim Campbell<sup>19</sup>, former prime minister and minister of justice in Canada, about her experience negotiating for a new gun law.

<sup>19</sup> The Right Honorable Kim Campbell P.C.; C.C.; Q.C. was the nineteenth and first female Prime Minister of Canada in 1993. Ms. Campbell also held the cabinet portfolios of Minister of State for Indian Affairs and Northern Development, Minister of Justice and Attorney General, and Minister of National Defence and Minister of Veterans’ Affairs. Thereafter, she served as Canadian Consul General in Los Angeles, taught at the Kennedy School of Government at Harvard, and chaired the Council of Women World Leaders. Ms. Campbell was President of the International Women’s Forum and served as Secretary General of the Club of Madrid. Today, she serves on the boards and advisory committees of several international organizations including the Club of Madrid, Foundation for Effective Governance in Kiev, Crisis Group, Salk Institute, Middle Powers Initiative, Arab Democracy Foundation, and Forum of Federations, and chairs the steering committee for the World Movement for Democracy.



*“When I was Minister of Justice. I had a chief of staff who said to me one day when I was having trouble making up my mind, ‘You must not be happy with the options you have.’ I asked him, ‘Why do you say that?’ His answer was, ‘Because you’re normally very decisive. So the very fact that you are not making a decision is because you are not very happy with the choices presented to you.’*

*“About a month before I was sworn in as the new Minister of Justice, a man named Mark Lépine went into the École Polytechnique in Montreal with a semi-automatic firearm and shot and killed 14 women engineering students and faculty. It was very shocking, and the natural response from people was that we needed more gun control legislation immediately.*

*“The situation was complicated for me as well as being terribly tragic. I was the first woman to be Minister of Justice and I was a feminist. When he was shooting the students, Lépine had shouted out, ‘You are all feminists,’ and then taken his own life. You can imagine how I felt.*

*“While that kind of pressure is good for making change happen quickly, it does not create an environment for the most thoughtful policy development. Very often people want you to do things that seem responsive, but that won’t actually make the world any safer. The risk is that you wind up wasting a lot of money and political capital doing things that at the end of the day don’t really make a difference.*

*“What I learned is that you need to know how to read your own mind, and determine whether you are happy with your options. The person who gets to frame the issue or question has an enormous amount of power. Sometimes other people frame issues for us in ways that leave us with no good choices.*

*“I really felt that it was important to get people’s feedback on the proposed gun legislation before they started painting themselves into a corner. People had very different views. So I created a Minister’s Advisory Council on Firearms which consisted of people from all over the issue—firearms experts, hunters, a psychiatrist dedicated to reducing urban violence, an attorney who specialized in prosecuting violence against women, even a woman who had won an Olympic gold medal in pistol shooting.*

*“My view was that there are a lot of different opinions on this issue. I engaged my colleagues in consultation and I did a lot of consulting with members of Parliament. While I had an obligation as the justice minister to try and do things that will make Canadians safer, I respected all points of views. And this was very unusual for people. They weren’t used to this process.*

*“What I realized was that the options that were initially presented to me were only about how strong or how weak the gun bill would be. But I wanted to go in a different direction and apply a really democratic process to this tough issue. Eventually my bill passed with an overwhelming majority.”*



### Questions for Group Discussion

- Why was creating a new gun law so politically complicated for Ms. Campbell?
- What do you like about how she proceeded to make her decision? Are there things you might have done differently or in addition?
- Have you ever felt as though you were faced with an important decision and didn't like any of your options?
- Did you seek out the opinions of others? Whom?
- What do you feel you might risk by bringing many people into a decision-making process? What might you gain?

## 9.2

### Exercise: Difficult Decisions

(Approx. 45 min.)

Ask one or two volunteers to read the story below.



*Tatiana Nazirova, Executive Director of the Women's Legal Resource Campaign (WLRC), was supposed to be organizing a banquet and city tour for two dozen international women judges who were arriving the next day. However, the office phone lines were down again, so she could not use the telephone, fax machine, or email to sort out the catering, touring, and hotel arrangements. Tatiana was not surprised when the electricity suddenly shut off as well. The shoe repair shop located on the floor below still had electricity and presumably a working phone, so she could use their phone in an emergency. Still, without electricity, she could not access her computer files with all of the judges' names, when they were arriving, and where they were staying. Next to her was a sample packet of information that she had planned to copy for each of the judges. She would just have to go to a printing shop, which would cost a fortune.*

*The mission of the Women's Legal Resource Campaign was to inform local and international jurists about the policies and practices of the judicial system, and current protections and violations of people's human rights. Over the years, Tatiana had organized dozens of informational tours and events for judges, lawyers, and human rights advocates from all over the world.*

*Recently, however, the government was cracking down on organizations that were deemed to have too much contact with suspected foreign agitators. The judges were hardly "agitators," thought Tatiana. These women were well-meaning, very successful, legal professionals on a junket—that was all. But the government*

*did not know that, or did not care. Tatiana was fairly certain of why WLRC's electricity and phones had been shut off, and suspected that they would not be turned back on for the duration of the judges' visit.*

*As Tatiana began collecting papers and folders to take to the printers, she heard the cobbler calling her name. Downstairs a man dressed in a navy suit was waiting for her. He offered his business card and explained that he was from the office of the Minister of Justice. The Minister had heard that WLRC was hosting the women judges and wanted to find out if his office could assist in any way. The Minister's first deputy would be delighted, said the man, to personally conduct a tour of the city and the courthouses in a government bus, and to provide lunch and dinner for the judges.*

*Tatiana thanked the man graciously. She explained that WLRC's board members were meeting later in the day and she would convey the Minister's generous offer. She asked the man if she could let him know in the afternoon. She did not mention the dead phone lines and the shut-off electricity, but she assumed that he already knew about them. The man agreed and left.*

*Two hours later Tatiana and WLRC's board members were back at the organization's office, sitting on chairs pulled close to the window for light. Tatiana told them about what had happened. If they accepted the Minister's offer, they might get their electricity and phone lines back, the city tour would be taken care of, and four meals for 24 judges would be paid for by the government. As the situation currently stood, WLRC's staff was faced with the daunting task of confirming and coordinating 24 reservations for taxis, room, and board for two-and-a-half days, organizing a banquet, and responding to the various professional and personal needs of a large group of high-level women—all without phone lines or electricity.*

*On the other hand, Tatiana was very concerned about the government's blatant effort to manipulate WLRC's activities. The Deputy Minister's tour and descriptions of the judicial system would be totally unbalanced and reveal nothing of the corruption, prejudices, and inequities that plagued their courts. The women judges would see few, if any, non-governmental organizations, and would have little chance to meet and talk with local human rights advocates. They might go home believing only that the government was generous and the judicial system fair—and nothing could be farther from the truth.*



### Team Activity

Ask the workshop participants to break into two teams. Each team will role-play as WLRC's board members. Ask the teams to decide what the next steps should be for the WLRC. Among the issues they should consider in coming up with a plan are:

- What is your obligation to the women judges on their junket?
- What is your obligation to fulfill the mission of WLRC?
- How would you advise Tatiana?
- Could you negotiate with the government? Would that be ethical? What are the risks? What might be the benefits?

When the participants reconvene, ask a representative from each team to explain her team's plan and her team's rationale for choosing the particular course of action.

## 9.3

### Exercise: Finding Common Ground

(Approx. 90 min.)

This is a role-play exercise. Ask a volunteer to read the following scenario:



*A Global Poverty Working Group of approximately 40 country representatives will be convening for a three-day meeting at the United Nations in Geneva to discuss the impact of globalization on the world's poorest nations. The issue paper put forward by the Working Group seems to be oblivious to the particular vulnerability of poor and highly indebted countries and do not take into consideration the specific impact on women. The Chair of the Working Group, Monica Gane, is tasked with keeping the meeting on schedule, on topic, and productive. Also interested in this meeting is an international coalition of women economists called Count Our Research (COR). COR wants access to the Working Group delegates to present its findings on the rapidly increasing number of women worldwide unable to feed themselves or their families, and to make several policy recommendations. COR is organized by Ailana Benge. Monica Gane has been asked by the Working Group delegates to make sure that COR does not disrupt their proceedings.*

For the first part of the exercise, divide the group into two teams—the Working Group (WG) and Count Our Research (COR). Following are one fact sheet for the WG team and one fact sheet for the COR team. They contain background

information about the team and facts that can move negotiations forward. The fact sheets should be copied and distributed to each team, but the team should only see its own handout. **Fact sheets should not be shared between teams.**

### WG Fact Sheet

The Global Poverty Working Group (WG) was established in 2000 by concerned nations who wanted to create a multinational advisory body to make policy recommendations on multilateral poverty alleviation. The Working Group members are a combination of the wealthiest nations and some of the poorest nations on earth. With only a few exceptions, the WG's members are deeply committed to finding and advocating for global strategies to address poverty. Since its inception, the WG has reported on 25 countries.

The WG has two main goals for its meeting in Geneva:

**Goal 1:** To create a short list of three or four countries it will report on over the next twelve months. The criteria for choosing the countries is highly politicized. Choices must show that the WG is serious about critiquing the impact of globalization on the poor, but must also be acceptable to members' respective governments

**Goal 2:** To respond to the criticism that the WG is ignoring the plight of indigenous peoples around the globe. To date, the WG's analyses have largely been directed towards ascribing responsibility for certain economic and social conditions that endanger the poor to governments and non-specified cultural traditions. Several vocal indigenous rights groups have found the WG's analyses at worst blame them for their poverty. The Working Group stands by its analyses, but is very interested in addressing the rift with indigenous people's human rights groups.

Monica Gane is the smart and dynamic chair of the WG, with over 30 years experience as a human rights advocate and non-governmental organization (NGO) leader. She is from an East African country with a mixed human rights record, and her appointment to the Working Group is widely viewed as a positive sign that her country is interested in protecting the rights of its most poor populations.

A Working Group member has asked Monica to meet with Ailana Benge, Chair of the coalition Count Our Research (COR). COR's members are women economists who want their research on the impact of globalization on poor women to take center stage at the upcoming WG meeting in Geneva. The economists and their supporters have been very well organized in the past—staging protests and garnering lots of press. Although WG members are aware of the issues COR wants to raise, they do not feel that poverty is a gender issue and resent the criticism and disruption from COR.

Monica has never met Ailana before, but knows that Ailana is a well respected, indigenous Native Islander in her country, Pacifica. Four years ago, the WG

published a report on poverty in Pacifica that came under harsh criticism from some indigenous peoples groups, who felt the report wrongly blamed the traditions of the Native Islanders for their shorter life span, poor nutrition, and higher rates of obesity.

Monica Gane's objectives in the meeting are to:

- Find out whether COR is planning a protest, and if they are, to do what she can to persuade Ailana to call it off
- Convince Ailana that COR's research will be fully considered—so that COR will not need to present its findings directly to the WG and will have no opportunity to disrupt the proceedings
- Prove to Ailana that the WG always considers women's unique vulnerability to poverty and its manifestations
- Establish an informal partnership between the WG and COR where COR members would be consulted on the economic conditions for women in countries under WG review

### COR Fact Sheet

Count Our Research (COR) members are women economists from all over the globe. Out of its 467 members, 32% are from developing countries. Approximately every four years, COR commissions a research study on a cause of poverty for women. Past studies have included access to clean water and sanitation, access to obstetric and gynecological health services, and AIDS. Three months ago COR published its most recent report, which was on globalization. It received enormous coverage in the media, and has been heavily mined by governments for quotes that support their positions on international trade and foreign aid.

A dozen COR members have come to Geneva to draw further attention to their report and to press the Global Poverty Working Group (WG) to pass a resolution that it will make women a special focus of all of their country studies.

The current Chair of COR is Ailana Benge, a Native Islander of Pacifica, a small nation inhabited by immigrants and indigenous Native Islanders. Four years ago the WG published a controversial report on poverty in Pacifica, which was widely viewed as blaming the Native Islander customs for the poor health and high rates of obesity among the country's indigenous populations. Ailana herself is on the board of an organization dedicated to improving the health of Pacifica's indigenous peoples. She personally feels that the WG reported fairly on the government's responsibility for not providing adequate access to medical services for Pacifica's poorest, who are disproportionately Native Islanders.

Ailana is well aware that the Global Poverty Working Group (WG) was established by concerned nations who wanted to create a multinational advisory body to make policy recommendations for multilateral poverty alleviation. The Working

Group (WG) members are a combination of the wealthiest nations and some of the poorest nations on earth. With only a few exceptions, the WG's members are deeply committed to finding and advocating for global strategies to address poverty. Since its inception it has reported on 25 countries.

Ailana has learned that Monica Gane is the smart and dynamic Chair of the Working Group, with over 30 years experience as a human rights advocate and non-governmental organization (NGO) leader. She is from an East African country with a mixed human rights record. Her appointment to the Working Group is widely viewed as a positive sign that her country is interested in protecting the rights of its most poor populations.

Ailana has a friend on the WG who arranged for a meeting between her and Monica Gane. Having already laid plans for a well-attended protest in the halls outside the WG's meeting place, and knowing that at least two major media outlets would cover the protest, Ailana agreed to the meeting, reluctantly. Ailana's objectives in the meeting are to:

- Secure two hours for her COR members to present their findings to the WG on globalization's specific and excessive impact on women
- Get Monica to agree to present a resolution to the WG that they will make women a special focus of their findings reports
- Establish a formal partnership between the WG and COR so that COR members will be consulted on the economic conditions in countries under WG review

Each team should meet for 20-25 minutes to review their fact sheet and to discuss options, tactics, and non-negotiables. "Non-negotiables" are objectives that the team will not back away from; that is, points for which there is no room for compromise.

In the second part of the exercise, the group will break into pairs made up of one WG and one COR. Role-playing Monica Gane and Ailana Bengé, the pairs will discuss their options and explore whether they can come to any mutual agreement. The pairs should be given approximately 20 minutes to negotiate. When the time is up, the group will reconvene to discuss what happened in their pairs and to report on any compromises.



### **Questions for Group Discussion**

- For the WGs, what was the most difficult hurdle?
- For the CORs, what was the most difficult hurdle?
- Did any pair feel that they had a good compromise solution? If so, what was it?
- Did any pair feel that there just was no way to sort out the conflict? Why?
- Was this a difficult or an easy exercise? Why or why not?



## 9.4

### Exercise: Fighting the good battle, but till... when?

(Approx. 60 min.)

Ask a volunteer to read the following story.



*General elections (governorship elections) were held in Nigeria in April 2007. Various reports indicated that abuses and vote rigging had taken place in the election processes in several states, notably in South West Nigeria.*

*Opposition parties challenged the results and won their case in court. The Court ruled that indeed, election infractions had taken place, and consequently ordered redo elections which were held in April 2009. Human rights activists were monitoring the redo elections. The media reported various cases of intimidation and violence against the monitors, in addition to several irregularities in the redo elections.*

*The government-appointed Resident Electoral Officer for the state in question is a woman named Temi Mutesi. Aware of the electoral wrongdoing, she did not want to declare a winner in the race, knowing that the apparent winner, a person from the ruling party, had cheated his way to victory. Mutesi declared that “It was against our Christian conscience to continue with the process” in view of the rigging and wrongdoing.*

*Mutesi submitted her resignation rather than be part of a fraudulent process. Her resignation was rejected by the Federal Government. Mutesi was later forced to come back to the commission, and turned in the results that she had initially refused to validate.*

*The opposition candidate who had lost the election because of fraud contested the results. His wife, a prominent feminist activist in the country issued a public statement denouncing, among others, Temi Mutesi and the role she had played, especially the way she had reversed her initial position.*



#### Questions for Group Discussion

- Mutesi apparently had a change of heart. What do you think of her action?
- Mutesi seems to be taking the blame for the whole process, and for many, she has been complicit. Does this undermine women's political participation?
- In your opinion, was Mutesi more prone to intimidation as a woman occupying a public political position?
- The leading feminist figure and wife of the opposition candidate indicated in a solidarity statement that “her heart bleeds for yet another woman who has allowed herself to be used as another cog in the wheels of democracy.” Do you think that women in politics are more closely scrutinized than men?