

# The Process and Practice of Global Health Negotiation

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# Introductions

- In introducing yourself please describe one global health negotiation process you have been involved with or followed:
  - Bilateral agreements on health/aid/trade issues
  - International health/trade/environment treaties
- Or refer to case studies from the book
- At heart negotiation is a simple human exchange we learn at an early age

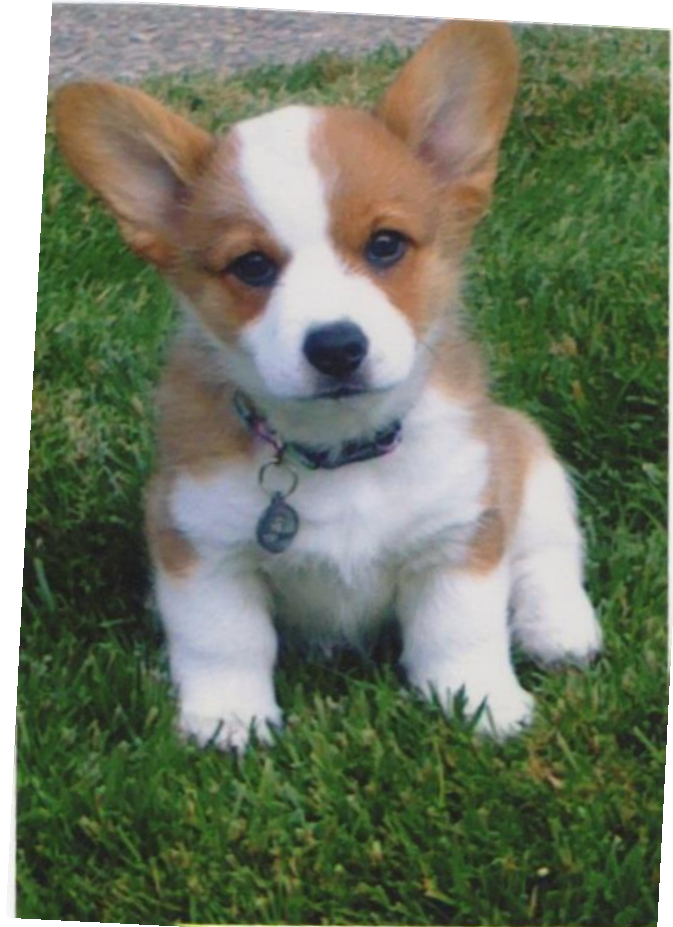
# Graham Lister

I have been involved in the development of:

- The UK Partnership for Global Health
- Health is Global, UK strategy, for DH
- DfID policy on health and globalisation
- Bilateral aid in Africa, Asia and Middle East

But my first negotiation was to adopt Sally:

- Building the case and identifying opposition
- Developing coalition with mother/ brother
- Undertaking extensive research/ lobbying
- Negotiating detailed terms for dog care
- Which I failed to meet



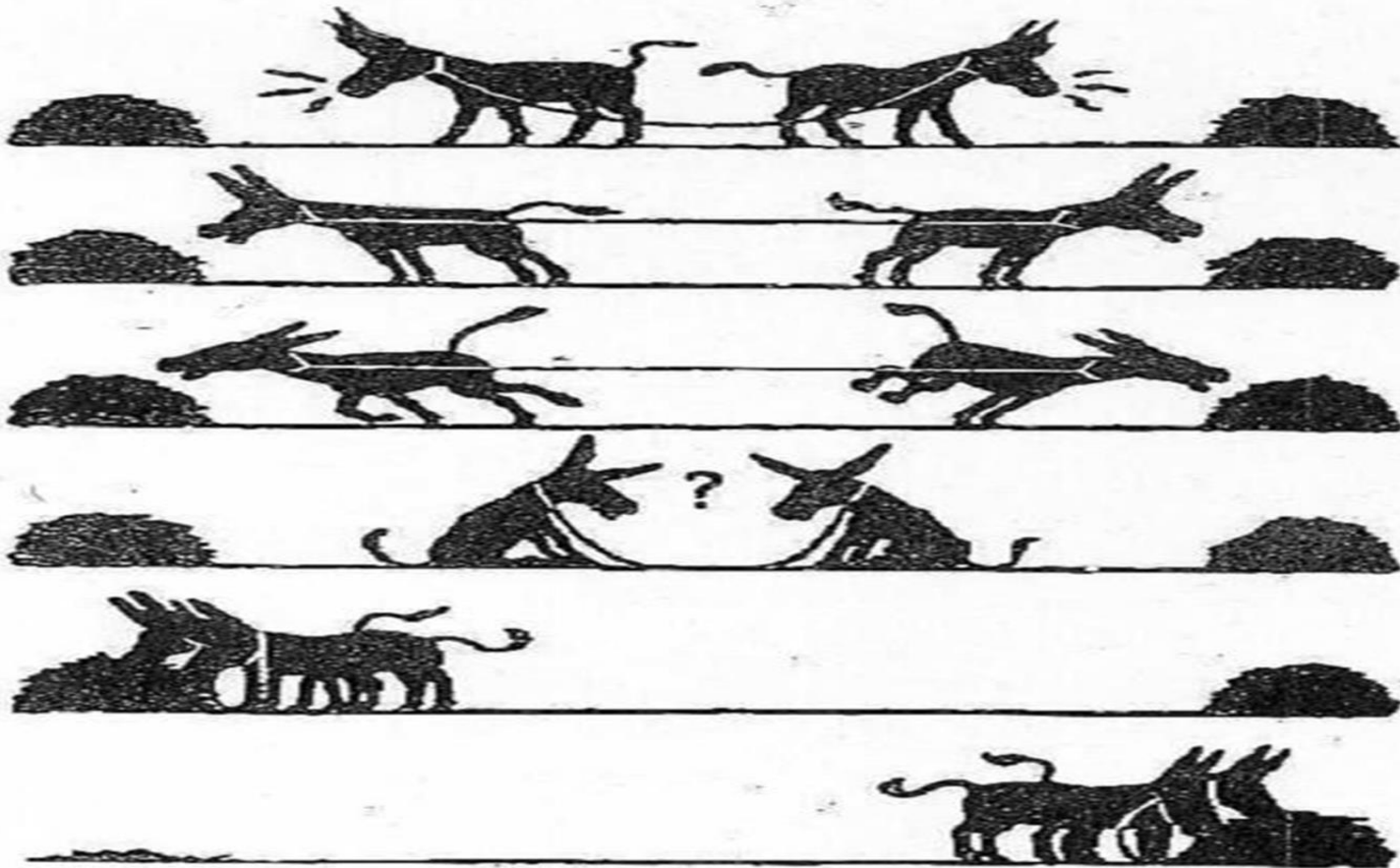
# Learning Objectives

- To share our understanding of negotiating processes – as applied in global health
  - To develop a common mental model and language
  - To understand the nature of such negotiations
  - To help us learn from experience of negotiation
- Take a moment to write down your objectives

# Negotiations: win-lose or win-win

- Diplomacy
  - *All government, indeed every human benefit and enjoyment, every virtue, and every prudent act, is founded on compromise and barter*  
- Edmund Burke 1796
- Negotiation
  - *“The process of exchange between two or more interested parties for the purpose of reaching agreement on issues of mutual concern”*  
- Zartman and Berman 1982
- Win-lose
  - *Gains to one or more parties are losses to others*
- Win-win
  - *All sides benefit from the agreement*  
- Fisher, Ury and Patton 1997

# The idea of win-win is simple



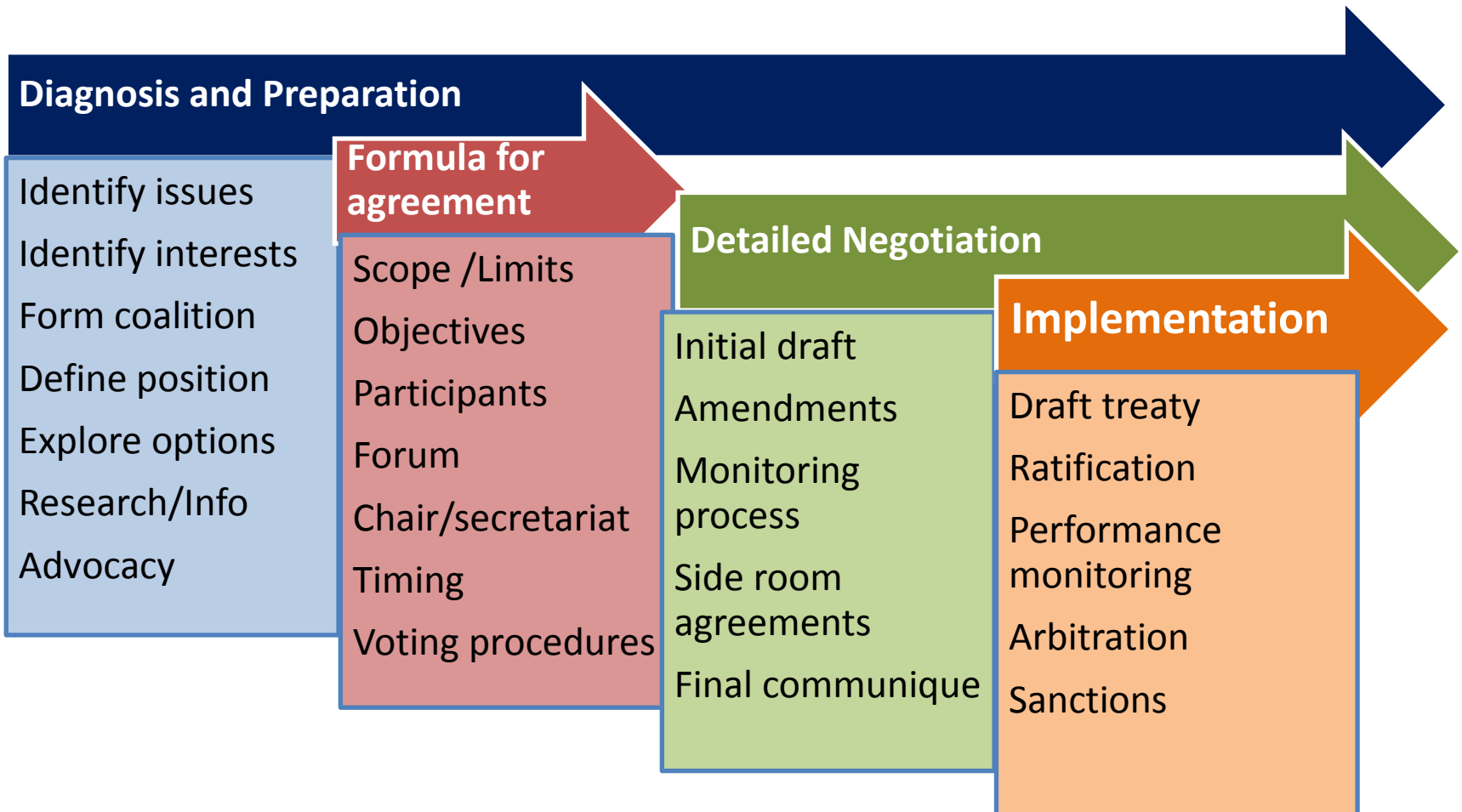
If you are online click here



# How important is win-win?

- How does this apply to your case?
  - Do we share common values for health? or
    - Do we have different interpretations of human rights?
    - Do these reflect other concerns: security, trade, politics?
  - Are power and authority important?
    - Hard and soft power, economic power
    - Authority: moral, technical, democratic
  - What is an international agreement?
    - How is it monitored?
    - How is it enforced?

# The negotiation process





# The Negotiating Process

- Every negotiation is different
  - They may start and stop
  - Change tracks and participants
  - And may happen at many different levels
- Can you identify these stages in your case?
  - How long did it take, why?
  - What was the most difficult stage?
  - Did you have to restart many times?

# Diagnosis and Preparation

- Identify issues, stakeholders, interests, consider:
  - Issues that are “ripe” for resolution
  - Stakeholders awareness of issues
  - Other interests that may be invoked
- Engaging stakeholders
  - Governments, civil society, businesses, the public
- Gathering and using information
  - Raise awareness, inform, explain and engage
  - It must address the participants interests
  - And “frame the issue”

# Forming a Coalition of Interests

- A coalition of nations/  
civil society brings
  - More power/authority
  - Simplifies agreement
- But the process of coalition building
  - Requires negotiation
  - And compromise
  - May lose perspectives



**EU Coherence Programme and Health Action International (HAI) in cooperation with the GUE/NGL and PSE groups**

# When is an issue “ripe” for resolution?

- Timing is key to many GH negotiations, an issue may be ripe for resolution due to:
  - Policy leadership by WHO
  - Research evidence
  - A crisis or catastrophe
  - Global public awareness and concern
- In some cases you can seize the moment but in many cases you have to **create the moment**
- Discuss the timing of your case.

# Emergency adds Impetus



# Creating the Moment

- Research and publication
  - Good evidence: research and expert consensus
  - Good presentation: case studies and journalism
- Aligning interests
  - Form coalition and identify opposing interests
  - To establish an international movement for change
- Public diplomacy
  - Advocacy, advertising and celebrity champions
- How was the moment created in your case?

# Framing the Issue

- Different policy frames can apply e.g. HIV/AIDS has been framed as an issue of:
  - Global security (UN security Council)
  - Development (UN declaration on MDGs)
  - Human rights (UN dec' universal access to meds)
  - Trade (Doha declaration on TRIPS)
- Information/research also frames the issue
- Discuss how the issue was framed in your case

# Negotiating the Formula

- Establish the “negotiating space”
  - Scope of things that can and cannot be discussed
- Design the detailed negotiating process
  - Objectives and broad principles
  - Participants in negotiations
  - Forum – chair and secretariat
  - When and where negotiations take place
  - Negotiating steps, voting, communications
- How was this determined in your case?



# Detailed negotiation = managed exchange

- Chair and secretariat
  - From international agency
  - Or lead nation/group
  - May be supported by “Sherpas” from others
- Prepare the negotiations
  - Aims and objectives
  - Agenda for discussion
  - Data and research
  - Initial draft communiqué



**Sherpas carry the paperwork**

# Detailed Negotiations

- Market stall negotiation
  - Offers and counter offers, threats and promises reinforcing the position of winners and losers
- Managed exchange
  - Agreement on principles and criteria to be applied
  - Initial outline draft reflecting the position of all parties
  - Revisions proposed and discussed until agreed
  - Side room discussions to address specific issues
  - Communique as basis for international agreement
- Describe your detailed negotiations in these terms?

# Market Negotiation

## What's similar?

Opening offer “anchors” expectations

Clarify options and compare

Least worse or “walk away” option

Don't reveal this to other participants

To compare options, criteria are needed

Performance, quality, price, risk

Big concessions are followed by smaller

Timing is important



# Managed exchange

## What's different?

Managed process about words and values

Together you can create new options

Side room agreements can solve related problems such as cost impacts

But domestic politics can pin actors

You cannot be sure of implementation

You need to monitor performance and

Take action in respect of failure to comply

Often with international agency or court

Managed exchanges often take years



**Copenhagen Climate Change Summit**

# Wording the Communiqué

- Communiqués are negotiated line by line
  - Disagreements are highlighted and revisions proposed
- Some seek commitments others want “wiggle” room
  - Actions may be agreed, called for, endorsed or noted
- Words are important, there are about
  - 550,00 English, 150,000 French, 140,000 Chinese words
  - English can be both more exact or more evasive
- Tone gives a sense of
  - Urgency, agreement or disagreement, hope or frustration

# Implementation

- International agreement to a joint communiqué
  - Is only a starting point for a binding or non binding treaty
- The legal instruments must be prepared
  - More negotiation on wording, monitoring and sanctions
- Governments must ratify the agreement
  - Through internal democracy and international signature
- And even this will lead to more negotiation
  - On the interpretation of monitoring reports and sanctions
- Negotiation is the process of global health governance

# Monitoring and enforcing agreements

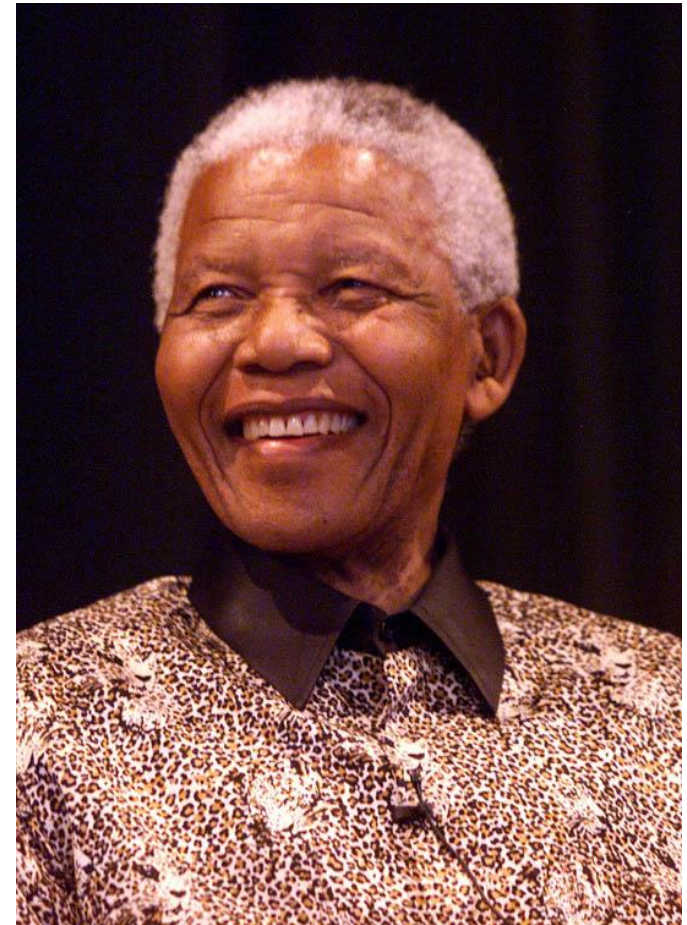
- Monitoring by
  - International Agencies (WHO), CSOs, governments
- Failure to comply can lead to
  - Arbitration by International Agency
  - More negotiation over interpretation of agreements
  - Judgement by International Court of Justice
  - Sanction at UN
  - Negative public opinion
- **What sanctions should enforce global health agreements?**

**UN Representatives bow their heads in recognition of their failure to prevent the abuse of power.**



# What does it take to lead negotiations?

- Meta leadership of negotiations
  - An encompassing vision, seeing all perspectives
  - Emotional intelligence and the ability to listen
  - Share leadership across different actors and countries
  - Personal integrity and trust
- What leadership qualities have you noted?





# What are the keys to success?

- Preparation, timing, coalition building
  - A carefully crafted process
- Full engagement
  - Bringing all the relevant stakeholders together
- Listening
  - Recognising different perspectives
- Openness to new ideas
  - Developing creative solutions
- Persistence

# More keys to success?

- **Political Will**
- **Wide Engagement of Actors**
- **The Chair of the Negotiations**
- **The Secretariat**
- **The Language and Translation**
- **Transparency**
- **Personality of Key Negotiators**

# So what have we learnt?

- Why negotiate if we share the same values for health?
- What are the key phases of negotiation?
- What are advantages and disadvantages of coalition?
- What information is important to negotiators?
- How do you design a detailed negotiation process?
- What makes an international agreement effective?
- What skills do you need to lead negotiations?

# Reading

- “Global Health Diplomacy”
  - Ilona Kickbusch, Graham Lister, Nick Drager, Michaela Told
  - Springer Books 2012
- “Negotiating Health Development: A guide for Practitioners”
  - Nick Drager, Elizabeth McClintock, Michael Moffitt
  - WHO Conflict Management Group 2000
- “Getting to Yes: negotiating an agreement without giving in”
  - Roger Fisher, William Ury, Bruce Patton
  - Random House Books 1997