



The International Negotiation Initiative

KNOWLEDGE INTO PRACTICE AND PRACTICE INTO KNOWLEDGE

There is an unfulfilled need for a two-way channel between negotiation knowledge and negotiation practice – helping to turn knowledge into action, and action into knowledge on an international scale. To complement this drive, the art and science of negotiation now need to be widely recognized as skills requiring academic or professional education.

These needs can be met by creating a global partnership of business, educators, scientists, skills trainers, governments and other negotiation stakeholders. This collaboration is being called the International Negotiation Initiative (INI).

Rationale

The INI will address two principal issues to facilitate businesses, educators and governments as they strive to improve negotiation competencies:

Mobilize the development of an internationally credible “negotiation science”

Empirical research in international negotiation is, in particular, limited by sub-optimal co-ordination and cost considerations. There is therefore an economic need to encourage negotiation research across a broad spectrum of stakeholders, avoid duplication of effort and cost, and accelerate the development of a credible global body of negotiation science.

Promote wide recognition of negotiation competence and excellence standards

There are no internationally¹ recognized high standards of education and training in negotiation that would be valued by employers, employees, clients, practitioners, educational institutions and professional bodies. Universal recognition of what comprises negotiation competence in different contexts would increase the value of negotiation courses meeting or exceeding those standards, encouraging more trainees to attend them.

The creation of a convened international negotiation platform to stimulate more and better research data and to establish transparent international standards of negotiation skills and competency will help make negotiation techniques better understood and more widely applied, thereby improving the attainment of high quality, sustainable outcomes.

The INI is different from anything that currently exists. It will not be a service provider or otherwise compete in the marketplace. The INI will be set up as a genuinely global, not-for-profit public interest initiative. It will add value to researchers, educators and skills trainers by helping to promote and fund their work and be capable of attracting the strong support of the field’s leaders throughout the world.

¹ There are a few training organizations that have their own published negotiation assessment standards but they appear to differ quite considerably and do not apply at an international level.



Negotiation Science

Negotiation research data certainly exists, but is generally fragmented and conducted on a small national or local scale, often by individual educational institutions using national surveys or work with immediate constituencies, such as students. Sound analysis requires credible international data that should be published and made accessible for peer review and public scrutiny². The INI will mobilize, map and disseminate the results of more of such credible negotiation research and analysis. For example:

- The monetary value of negotiation skills is known to be significant but remains largely unproven. The US Department of Commerce report indicated that in 2002 the construction industry alone lost at least \$15.8 billion through defective interactions – eg communication and co-ordination barriers, poor information sharing and other negotiation failings³. Similarly, an analysis by UK research agencies YouGov and the Centre for Economics and Business Research (CEBR), drawing data from a survey of 1,000 UK businesses in 15 sectors, suggested that the UK alone loses US\$22 billion a year through ineffective negotiation⁴. More comprehensive research is needed across more sectors and countries to establish the value that negotiation skills can add to societies and economies
- Some research and analytical work has been focused on “canons” or principles underpinning “good” negotiating practice. The International Chamber of Commerce has published Principles to Facilitate Commercial Negotiation⁵, and some negotiation scholars and trainers have been developing and promoting a set of negotiation canons⁶. This area could be progressed on an international scale based on more comprehensive data that is designed to be culturally sensitive.
- There is no recognized voluntary international code of negotiation ethics to encourage responsible negotiation. Often assumed to be too challenging to achieve, there is no published data on whether an ethical code would improve negotiators’ behaviors or have significant tangible consequences. Such work would need to take into account the cross-cultural diversity of negotiation ethics. These efforts could be best coordinated and promoted through a global initiative.

The INI will be in a position to attract governmental, institutional and private funding, as it will have the collaborative professional and social network to enable such research to be conducted in an integrated way and for the results to be analyzed and published internationally. Thought leadership articles and other materials could be more effectively and formally shared and promoted (and, where necessary, translated).

² E.g. Huthwaite International’s 2014 analysis at: <http://horizons.huthwaiteinternational.com/latest-negotiation-research/>

³ <https://nvlpubs.nist.gov/nistpubs/gcr/2004/NIST.GCR.04-867.pdf>

⁴ Reported in *The Yes Book* (2013) by Clive Rich pages 22-26

⁵ <https://iccwbo.org/publication/icc-principles-to-facilitate-commercial-negotiation/>

⁶ Christopher Honeyman & Andrea Kupfer Schneider, eds, *The Negotiator’s Desk Reference* (St. Paul: DRI Press, 2017); Andrea Kupfer Schneider & Christopher Honeyman, eds, *The Negotiator’s Fieldbook: The Desk Reference for the Experienced Negotiator* (American Bar Association, 2006).

Negotiation competence and quality of educational/training programs

Negotiation rarely features as a core subject in educational curricula. Most professionals join the workforce without a structured negotiation education, even for making deals or resolving disputes. It mainly falls to employers to provide post-qualification negotiating training at their own cost.

There are many outstanding books and courses teaching negotiation skills for deals and disputes as a post-qualification discipline. Courses have been established by business schools, university faculties (law and other disciplines), professional bodies, independent trainers and dispute resolution providers. Usually lasting 3 to 5 days, they vary in content, coverage, cost, quality and achieved competence levels. Identifying the right course to attend can be hard; objective guidance is not easily accessible. For trainees and sponsors, return on the investment in negotiation courses is not always guaranteed.

Some aspects, such as culture and cross-cultural communication skills, cognitive biases, psychology and ethics are increasingly being included in the curricula of professional negotiation training courses, but need to be adopted much more widely by educators.

In order to maximize the value of negotiated outcomes, parties must master integrative (principled, interest-based) as well as distributive (competitive, positional) negotiation techniques and various other negotiation models. If only one party is properly trained in the full range of possible approaches and techniques, potential outcomes can be severely constrained.

A close relationship will be maintained between research analysis and educational standards to enable negotiation education and practice to be soundly based on science as well as art. Through its network, the INI will keep education and training standards under continuous review and improvement. For example, the multilingual INI website will:

- Define high standards in negotiation education and training.
- Include cultural, cross-cultural & cognitive aspects of negotiation.
- Encourage trainers to award negotiation qualifications via international competence criteria.
- Establish criteria to help trainers appoint assessors of negotiation competence.
- Serve as a clearinghouse for teaching and case materials.
- Be a distribution and reference hub for articles published worldwide.
- Support negotiation trainers in developing countries with materials and tools.
- Introduce sponsored scholarship programs in countries and sectors lacking robust negotiation education facilities.
- Promote updated information on negotiation conferences and events worldwide.
- Provide guidance for students on career and professional development.
- Coordinate/support negotiation competitions, including those conducted online.
- Create a global network and community of practice among negotiation experts.
- Provide open and objective information on negotiation education and training.



Who Benefits?

A broad range of stakeholders stand to gain in a range of significant ways:

Businesses, Governments and other front-line negotiators will benefit from

- Negotiation skills training that will be increasingly based on the latest research.
- More people joining the workforce with high-level negotiation knowledge and skills, thereby reducing reliance on costly post-qualification corporate training and risky on-the-job negotiation learning.
- Higher minimum standards for negotiation trainers that will improve overall ROI.
- Improved negotiating skills of employees that will inspire greater employer confidence.
- Increased transparency of negotiation training programs to aid in selecting the right courses for employees to attend.
- Negotiation skills being developed into a valuable cross-cultural corporate capability.
- Overall, more valuable, pragmatic and sustainable short and long-term relationships, improved deals, settled/avoided disputes and better outcomes.

Negotiation scholars, researchers, universities and business schools will benefit from:

- Greater ability to pool similar research among institutions worldwide.
- Avoiding duplication of cost and effort.
- Structured links with negotiators providing real-world input and experience.
- More robust and credible research results more easily fed into training courses.
- A global “negotiation science” developing over time.
- Greater prospect of attracting Government and user funding for research programs.
- An increased appetite among users to participate directly in research as the value and payback of negotiation research become better appreciated by companies and other users.

Negotiation trainers and training organizations will benefit from:

- The ability to adapt and link training to the results of better negotiation research.
- Transparent high standards that will become a valuable course marketing advantage.
- Offering credentials/accreditations that establish attainment of standards which, in turn, will give trainees and added value qualification on their resumé.
- Use of open-access training tools to help reduce costs of training, especially in developing countries.
- Wider prospects of marketing value-added high-level training programs.
- Seamless value-added links with scholars/researchers worldwide.
- Increase in businesses/other users seeing value in negotiation training, thus promoting a greater and more valuable negotiation training market.



Leadership and Establishment

The INI will be owned and led by its stakeholders. This will enable the INI to act as a platform to enable greater interaction and transparency among negotiation stakeholders and encourage government support and engagement. The INI will not provide negotiation training or services and will therefore not compete with any of its stakeholders.

The INI will rely heavily on pro bono support but will inevitably have administrative and operational overheads, including web presence and promotional costs. These will be sustainably funded by donations and grants from foundations, business and industry organizations, professional bodies, individual corporations, private benefactors, Government institutions, NGOs, educational and training institutions (e.g. where joint research and other projects may be conducted) and annual contributions from trained and certified negotiators and recognized training programs. Some support functions may be shared with certain partnering organizations. Governance will be mainly drawn from top negotiation educators and thought leaders, businesses, professional bodies and sponsors.

The INI will be a tax-exempt non-profit international non-governmental institution having charitable/ educational objects registered under section 501(c)(3) of the US Internal Revenue Code and equivalent status elsewhere to enable donors to qualify for available tax deductions on charitable contributions.

To achieve the objectives of the INI, a Leadership Group and an Advisory Group will be convened, drawn from:

- Experienced negotiators.
- Individual corporations and business associations.
- Schools of business, law and other educational disciplines and institutions.
- Leading negotiation educators, trainers, thought leaders and researchers.
- Professional service firms and professional associations.
- International institutions having a stake in competent negotiation.
- NGOs and INGOs.

The Leadership Group will prepare an organizational, governance and financial framework to get the INI established and funded and to begin to fulfill its Mission. To place the INI on a sound financial foundation, a 10-year Operating Plan will be prepared that will include specific sources of seed funding and list committed and potential donors. The Leadership Group will meet virtually as often as required to establish the INI and begin implementing its mission. It may assign some responsibilities to a Steering Group to deal with day-to-day operational, financial and management issues. The INI will be established as a not-for-profit legal entity and apply for charitable status.

The Advisory Group will be constituted from internationally recognized leaders in the field of negotiation to counsel the Leadership Group as necessary on strategic matters. Members will be drawn from academia, practice and training institutions and other stakeholders. Major funders will be invited to nominate a representative to serve on the Advisory Group.



Implementation Stages

Stage 1. **Establish the INI Leadership Group**

The Leadership Group has been convened from stakeholders having a strong belief in the mission, to drive the creation of the INI up to and including Stage 5. The Group are capturing existing open access research data and materials in the international negotiation field to attract scholars, educators and trainers to the INI initiative and provide the INI with strong academic underpinning. An international network of scholars and students will compile a searchable database of research-based negotiation strategies and practices.

Stage 2. **Web portal**

The INI website at www.INInegotiation.org will be the prime interface with stakeholders.

Stage 3. **Secure international multi-stakeholder support**

Develop a broad support for the INI mission from key stakeholders: business and law schools, business associations, individual corporations, professional service firms, law firms, independent negotiation skills trainers, INGOs and national and international government agencies and create a functioning Advisory Group.

Stage 4. **Seed funding**

The INI will be largely reliant on pro bono support from stakeholders but there will be some establishment and development costs for which seed funding will be required, and this funding will be identified. An outline 10-year Operating Plan (with long term, sustainable funding sources) will be needed from Stage 5 onwards.

Stage 5. **Stakeholder engagement**

Attract strong active pro bono engagement from stakeholders for Stages 5 to 9. The INI will be able to accelerate its establishment, and become operational more quickly and efficiently, with a proactive close working relationship with many existing organizations in the international negotiation field, including Chambers of Commerce and leading educational institutions.

Stage 6. **Establishment of the INI legal entity**

Decide on the place of registration of the non-profit entity having regard to practicalities and tax efficiency of donations. Prepare formation and governance structure.

Stage 7. **Engagement of staff**

Dedicated and suitably qualified international staff, as identified in the Operating Plan prepared in Stage 3, will be engaged, probably on a shared basis with stakeholders. There will be a strong emphasis on online working via the web portal.

Stage 8. **Working Group to establish competence criteria**

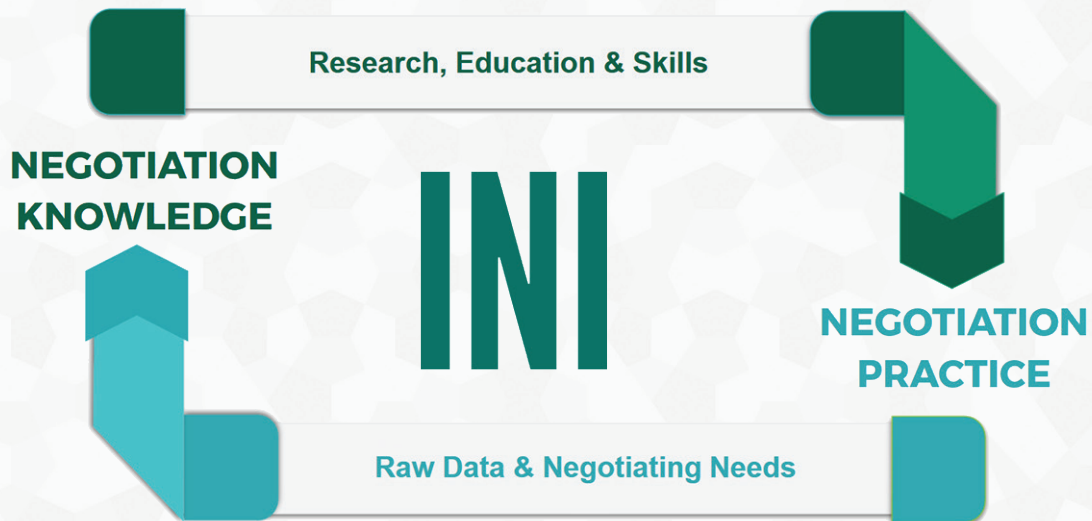
A multi-stakeholder group will be formed to research and develop the competency criteria, as well as a licensing procedure to enable educators and trainers to offer INI endorsement. Initial work on the criteria will effectively begin in Stage 4.

Stage 9. Working Groups to prepare draft Code of Negotiation Ethics

Working groups will be established to identify nationally recognized principles of negotiation ethics. An international multi-stakeholder team will be formed to coordinate the working groups and to prepare an International Code of Negotiation Ethics, which will serve as globally recognized standards and as a guideline for negotiators.

Stage 10. Full operation

Once established, the INI will begin to implement the other parts of its mission.





Initiators

This Concept Paper has been developed by a small group drawn from negotiation stakeholders in businesses, business schools, law schools, trainers and researchers, including:

Véronique Fraser, Professor of Law, University of Sherbrooke, Québec, Canada

Veronique.Fraser@Usherbrooke.ca

Chris Honeyman, Managing Partner, Convenor Conflict Management, Washington DC; co-Editor, The Negotiator's Desk Reference

www.convenor.com

Tony Hughes, Chief Executive Officer, Huthwaite International, UK

www.huthwaiteinternational.com

Barney Jordaan, Professor of Management Practice, Vlerick Business School, Belgium

Barney.Jordaan@Vlerick.com

Andrea Kupfer Schneider, Professor of Law, Marquette University, Milwaukee, WI; co-Editor, The Negotiator's Desk Reference

Andrea.Schneider@marquette.edu

Michael Leathes, Author, Negotiation: Things Corporate Counsel need to know but were not taught

ML@michaelleathes.com

For more information, please visit: www.ininegotiation.org