2 Four Dilemmas of Acceptance: insights from the field of humanitarian negotiation

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Introduction

The practice of humanitarian negotiation is essential to an acceptance approach (Fast et al, 2013). Indeed, the twin notions of acceptance and humanitarian negotiation both foreground the importance of building and sustaining working relations with a wide array of stakeholders to facilitate humanitarian operations, as well as the centrality of humanitarian principles and humanitarians' reputations in these engagements. One can see this conceptual overlap with acceptance in the definition of humanitarian negotiation offered, for example, by the Centre of Competence on Humanitarian Negotiation (2019):

'…a set of interactions between humanitarian organizations and parties to an armed conflict, as well as other relevant actors, aimed at establishing and maintaining the presence of these organizations in conflict environments, ensuring access to vulnerable groups, and facilitating the delivery of assistance and protection activities. Negotiations may involve both state and non-state actors. They include a relational component focused on building trust with the counterparts over time and a transactional component focused on determining and agreeing on the specific terms and logistics of humanitarian operations.'[1]

(p. 19)

Moreover, in practice, implementing an acceptance approach often entails negotiating with different stakeholders, which has been coined 'responsible negotiation' (Lempereur, 2011; 2012a et 2012b). Nevertheless, the wealth of insights from the growing body of research on humanitarian negotiation has yet to be adequately integrated into the ongoing policy discourse on acceptance (e.g., Mancini-Griffoli

& Picot, 2004; Magone, Neuman & Weissman, 2011; Grace et al, 2015; Lempereur, 2016). Furthermore, for humanitarian actors, there remains an abundance of underexplored wisdom from the broader field of negotiation, which has produced decades worth of thinking, theorising, practical tools, and empirical findings on negotiations in other domains (business, international, and legal settings, for example).

This article takes a step toward closing the gap between negotiation theory and the practice of cultivating acceptance. In particular, the article seeks to leverage insights from the field of humanitarian negotiation – as well as the broader field of negotiation scholarship – to probe underexplored challenges, risks, and shortcomings inherent in employing acceptance as a tool of security risk management and humanitarian access more broadly. Is acceptance always the best approach? Does acceptance always work as intended? What difficulties can and should humanitarians anticipate when engaging with a wide range of stakeholders while pursuing acceptance? This article addresses these questions by laying out four dilemmas of acceptance, all of which are informed by theoretical negotiation scholarship. These are:

1. the 'humanitarian negotiator's behaviour' dilemma,

2. the 'right distance relationship' dilemma,

3. the 'multi-level game' dilemma, and

4. the 'no deal' dilemma.

The article presents each of these and concludes by offering remarks about the long route ahead in terms of bringing negotiation theory and humanitarian practice into further conversation with one another.

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[1]   Although this definition specifies applicability to conflict settings, humanitarian negotiation can also be relevant in other humanitarian response environments, including natural hazards and disease outbreaks.

The 'humanitarian negotiator's behaviour' dilemma

A long-acknowledged yet under-examined aspect of security risk management is that one's best approach depends on the approach that the counterpart adopts. The 'security triangle' lays out a menu of three overarching security risk management options: acceptance, deterrence, and protection (Van Brabant, 2000). How should humanitarians decide when to lean into acceptance and when to downplay acceptance-based approaches?

Negotiation scholarship offers an answer. Lax and Sebenius (1986) present a framework, which they dub 'the negotiator's dilemma', that illustrates the consequences of choosing between two overarching approaches to negotiation. One approach is cooperative (integrative in nature, based on collaboratively seeking creative solutions, or 'creating value'), and this is congruent with acceptance. A second approach is competitive or distributive (competitive, based on threats, pressure, and coercion, or 'claiming value') for which the aim is to emphasise to the counterpart the adverse consequences of rebuffing the negotiator's requests (i.e., granting access or cultivating a secure environment for humanitarian work). A competitive approach is more akin to (although not entirely congruent with) a deterrence approach, which relies on threats or counterthreats to 'deter' or prevent attacks. A negotiator who adopts a competitive approach can maximize gains, but only if the other side adopts a cooperative posture, thus exposing

themselves by communicating otherwise private information about their preferences and the values that they attach to different options. If both sides adopt a competitive approach, both fail to maximise the gains they otherwise would have reaped if they had both assumed a cooperative posture. The resulting dilemma is that the negotiator is torn between two risky options: adopt a competitive approach and potentially miss out on the fruits of cooperation, or adopt a cooperative approach and risk being exploited. This framework can be useful for assessing the implications of different stakeholder engagement strategies. Figure 1, below, maps out these different possibilities.

However, it is also important to highlight the asymmetric power relationship that often exist between humanitarian actors and their negotiation counterparts. Humanitarians – in contrast to armed actors, for example – have only certain ways of exerting 'soft' pressure at their disposal. One way is public denunciation. By publicly condemning (or threatening to condemn) a counterpart for denying (or seeking to exert superfluous control over) humanitarian access, the humanitarian negotiator can aim to 'shame' the access gatekeeper into facilitating access.[3] A second measure is scaling down operations, withdrawing entirely from the context, or cutting off the negotiation (or threatening to do so). These modes of 'soft' pressure are more congruent with a deterrence strategy, by which humanitarians might use public denunciation or withdrawal (or threats thereof) in an effort to deter attacks. However, withdrawal is ethically challenging for humanitarian negotiators because this avenue

Figure 1: The 'humanitarian negotiator's behaviour' dilemma[2]

		Counterpart's approach	
		Cooperative	Competitive
Humanitarian's approach	Cooperative	*Second-best outcome for both parties*	*Best outcome for counterpart*
	Competitive	*Best outcome for humanitarian*	*Worst outcome for both*

2   This table is adapted from that which appears in Lax and Sebenius, p. 157. Whereas the original table lays out the negotiator's dilemma in broad terms, this table adapts the concepts specifically for humanitarian negotiation, using the same logic but with slightly revised language.

3   The term 'access gatekeeper' refers to an external stakeholder, such as a government official or non-state armed group, that has the ability to facilitate, restrict, or block access for humanitarian organisations seeking to operate.

essentially means abandoning the populations that humanitarian organisations aim to assist (Brooks & Grace, 2020). Moreover, scholars have probed empirics related to successfully employing acceptance, including the limitations of what acceptance can achieve (Childs 2013; Fast et al, 2015; Cunningham, 2017) but researchers have just begun to do the same for competitive approaches. There remains a lack of solid empirical data to confirm the conditions under which these modes of 'soft' pressure are effective, despite a growing body of case study and large-N research produced on the topic (Médecins Sans Frontières, n.d.; Bussmann & Schneider, 2016).

There is an overarching issue toward which the 'humanitarian negotiator's behaviour' dilemma points: when pursuing acceptance, it behoves humanitarians to be wary that the counterpart might take advantage of them. Conversely, when straying from an acceptance approach – employing modes of 'soft' pressure more in line with a deterrence approach to access and security risk management – the humanitarian risks losing out on possible gains, depending on how the counterpart behaves, meaning that security risks could actually increase, rendering acceptance more difficult to secure in the future.

The 'right distance relationship' dilemma

A second issue – the 'right distance relationship' dilemma – challenges the concept of acceptance at its core. The notion of acceptance is that an interconnection exists between means (relationship-building) and ends (mitigating security risks and facilitating humanitarian access). In contrast, negotiation theory turns our attention to an important question: how close to an interlocutor can a humanitarian get without compromising the substantive gains sought (i.e., more principled humanitarian action)? Savage, Blair and Sorenson (1999) offer an analysis of this dilemma in non-humanitarian negotiation settings, positing that negotiators who prioritise their relationship with the counterpart over the substance of the negotiation are more likely to subordinate themselves to their counterparts' interests and positions. In humanitarian negotiation, this could mean an aid worker accepting compromises on access (for example, agreeing to shape programming around an access gatekeeper's preferences, as opposed to a purely impartial approach based on needs) to

maintain the relationship with the access gatekeeper and facilitate a long-term presence in the context. In Syria, for example, aid agencies operating from Damascus have received criticism for accepting excessive constraints imposed by the government (Balkhi, 2021). These dynamics can be especially prevalent when acceptance is cultivated on an individual (as opposed to organisational) level. As one humanitarian actor has stated of counterparts during negotiation processes:

'When they feel that, because they have a relationship with you, they can basically ask anything – to the point that another counterpart in the authority was almost hinting, basically actually asking for a bribe. And during those kinds of situations, it becomes more difficult, when you have a relationship with that person, to say no' (Grace, 2020a, p. 29).

In such a context, relationship-building can have the opposite of the intended effect, complicating (rather than facilitating) efforts to cultivate acceptance for principled humanitarian programming.

Additionally, the value that humanitarian negotiators place on the counterpart relationship can feed into the aforementioned asymmetric power dynamic between humanitarian negotiators and state or non-state access gatekeepers, especially given the inter-organisational dimension of operational humanitarian environments. When a counterpart negotiates with various humanitarian organisations in parallel on similar issues, the relationship with any one of these organisations is likely to be less important to the counterpart than to the humanitarians. In short, humanitarians often need the negotiation to succeed more than their counterparts do.

This does not mean that humanitarian negotiators are necessarily doomed. As Clements (2020) argues, humanitarians have a wide range of tools at their disposal to surmount this asymmetric power dynamic, including:

1. persuading counterparts that humanitarian programming has inherent value or can serve a counterpart's interests (for example, facilitating humanitarian access can enhance an access gatekeeper's legitimacy, a particularly relevant consideration for certain non-state armed groups);

2. exhibiting greater commitment to pushing their agenda than counterparts are to resisting it;

3. forming coalitions with other humanitarian organisations (although difficult to actualise in practice given the fragmented nature of the humanitarian field); and

4. creating new alternatives (as occurred regarding Syria with the UN Security Council's authorisation of humanitarian access even without the Syrian government's consent) (Bouchet-Saulnier, 2014).

Nonetheless, the 'right distance relationship' dilemma illuminates the notion that relationship-building is not always an enabler of humanitarian programming, but can actually bring forth challenges for maintaining humanitarian principles. In other words, relationship-building as a means of acceptance does not always further the end of enabling access and risk mitigation for principled humanitarian programming. Quite the contrary – relationship-building efforts sometimes drive humanitarians toward compromises on humanitarian principles. Indeed, it is important for humanitarians pursuing acceptance to guard against the temptation to excessively prioritise relationship-building as an end in itself, especially if this tendency comes at the expense of access and security.

The 'multi-level game' dilemma

Acceptance is a multi-level game during which humanitarians negotiate with a wide array of different stakeholders – local community members, authorities and armed actors (state and non-state), colleagues within their own organisations, practitioners in peer organisations, and donors – all of whom have distinct concerns and interests. Consequently, the 'zone of possible agreement' that satisfies all these stakeholders can be small, can shift over time, and might not even exist.

One can draw insights from the 'two level game' notion introduced by Putnam (1988) to explain international negotiations. As Putnam argues, international negotiations constitute a two-level game by which negotiators must find an overlap between 'win-sets' that their international interlocutors and their domestic constituencies will find acceptable. Humanitarian negotiators find themselves in a much more challenging position. There are not simply two levels (per Putnam's conception of international negotiations) but many more.

Consider the case of the Dutch section of MSF (MSF-Holland, nd) in Myanmar during the 1990s and early 2000s. Whereas other sections of MSF faced severe access constraints in the country, MSF-Holland ran, as Terry (2011) writes, 'the largest medical programme of any aid organisation in Myanmar. It treat[ed] twice as many AIDS patients as the government and all aid agencies combined, and [ran] clinics across four of the country's states and divisions' (p. 110). Many perceived that the head of MSF-Holland had become a 'collaborator' who was too close to the authorities; he once visited a commander at a golf club to successfully obtain permission to open up a clinic (ibid). This example makes clear an underdiscussed notion that is central to the concept of acceptance: cultivating acceptance with one stakeholder can jeopardise acceptance from others, and even heighten security risks for aid workers. In an ideal scenario, working across lines in territories controlled by different parties to the conflict would increase security risks only in the short-term, and ultimately offer greater protection as stakeholders gained an appreciation for the fact that humanitarians are not aligned with one side or the other. However, this balance is not always easy to strike. For example, developing a relationship with the authorities can hinder one's credibility with segments of the local community, as well as peer organisations operating in the same context.[4]

In armed conflicts, this dilemma can be particularly acute, as humanitarians must negotiate with opposing parties to a conflict, sometimes simultaneously. A quality relationship with state actors can raise suspicions from a rebel group about a humanitarian's loyalties, and vice versa. This tension is exacerbated even further when host governments or governmental donors have dubbed one or more rebel groups to be terrorists. The 'multi-level game' dilemma is that the humanitarian negotiator must navigate, across different counterparts, potentially incompatible 'zones of possible agreement' or 'win-sets,' often forcing the humanitarian to decide which stakeholder to leave unsatisfied (Lempereur and Pekar, 2017).

To make matters more complex, the dynamics of overlapping (or non-overlapping) 'win-sets' are context dependent. For example, in Myanmar a close relationship with the authorities brought humanitarians' credibility into question, but the opposite has been true in South Sudan, where

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4   For an examination of the tension between 'help and complicity', see also Slim (2015, p. 18).

working through and with local authorities was a key component of acceptance (Fast et al, 2015). Consequently, it is important for aid actors to confront difficult questions about acceptance. Which stakeholder wields the most influence over a humanitarian organisation's access to affected communities? Which stakeholder constitutes the main security threat to operations? Which stakeholder would inhibit access and/or security the least if left unsatisfied? The 'multi-level game' dilemma points toward the importance of integrating these considerations into stakeholder analyses while pursuing an acceptance approach.

The 'no deal' dilemma

Even in light of the difficulties discussed thus far, perhaps the ultimate dilemma of acceptance is the 'no deal' dilemma. No deal for the humanitarian negotiator can mean failing to meet the most basic needs of any segment of a particular vulnerable population, and indeed, an inability to fulfil an organisation's mandate. In short, the humanitarian negotiator struggles to walk away from the negotiation.

In usual negotiation theory, negotiators are told to develop their 'best alternative to a negotiated agreement,' or BATNA. Otherwise, according to Fisher, Ury and Patton (1991), 'you are negotiating with your eyes closed' (p. 51). But for the most part, humanitarians lack a viable BATNA, i.e. a WATNA, a worst alternative to a negotiated agreement. To be sure, there have been circumstances when humanitarian organisations have temporarily halted operations in certain contexts – in Syria, Central African Republic, and Yemen, to name just a few examples – or entirely withdrawn due to concerns about aid disruption and/or security for staff or affected communities (Nebehay & Miles, 2016; Ratcliffe, 2017; Coker & Schmitt, 2018). Indeed, there are contexts where withdrawal has appeared to be the most ethical choice, as MSF and the International Rescue Committee concluded, for example, about operating in Rwandan refugee camps in Goma in the 1990s (Terry, 2002). Withdrawing temporarily can even have the effect of ultimately improving acceptance by demonstrating to stakeholders that one's organisation will only operate under circumstances that allow for principled humanitarian action.

But overall, the BATNAs for humanitarian negotiators (meaning the alternatives to pursuing acceptance)

tend to be unappealing or highly expensive. For example, airdropping aid – as the World Food Programme has done in besieged cities in Syria (Miles, 2017) – is one mode of surmounting access obstacles but is not economical and yields major risks of diversion, given that there can be a lack of control over who actually receives the aid. Another common alternative in insecure environments is to transfer risk to local humanitarian responders. In this scenario, humanitarian negotiators give up on acceptance with one stakeholder in the hope that pursuing acceptance with another will bring a certain degree of protection (meaning that the humanitarian organisation simply accepts tolerating a certain degree of risk). Humanitarian organisations can also discard acceptance in favour of a protection approach, by which their operations become 'bunkerised' behind heavy fortifications. Humanitarian actors pursuing acceptance are therefore stuck with either grappling with the dilemmas discussed in this article or abandoning efforts to favourably shape the external operating environment.

Conclusion

As this article has examined, the dilemmas that humanitarians face when pursuing acceptance are numerous. A cooperative approach can drive the humanitarian toward being exploited (the 'humanitarian negotiator's behaviour' dilemma) or toward further compromise (the 'right distance relationship' dilemma). There is a narrow set of principled solutions likely to satisfy all relevant stakeholders (given the 'multi-level game' dilemma). Nonetheless, the humanitarian negotiator struggles to walk away from the negotiation (as highlighted by the 'no deal' dilemma). Indeed, walking away is tantamount to giving up on providing assistance to those in need. These dilemmas can frame how humanitarian actors think about navigating negotiation processes aimed at achieving and supporting acceptance. Given that these issues are central to relationship- and trust-building in humanitarian response contexts, to how cultivating relationships can be approached, and to how the process can go wrong, these dilemmas live at the heart of what it means, in practice, to pursue an acceptance strategy.

Yet, the concepts discussed in this article remain just the tip of the analytical iceberg. The marriage between humanitarianism and negotiation scholarship requires more bridges. Negotiation

scholarship has much more to offer the field of security risk management (and humanitarian negotiation more broadly) on a wide range of themes, including the role of emotions in negotiation (Fisher & Shapiro, 2005; Cropanzano, Becker & Feldman, 2012), the dynamics of cross-cultural interaction (Avruch, 2004; Grace, 2020b), the influence of identity characteristics and personality type (Du Pasquier, 2016; Alsalem & Grace, 2021), the impact of cognitive biases (Thompson, Neale & Sinaceur, 2004; Caputo, 2013), and tools for negotiators' self-exploration (Ury, 2015). Moreover, the converse is also true. Just as humanitarians can benefit from a more analytically informed assessment of the dynamics at play during their negotiations, negotiation scholars have much to gain by sinking their teeth further into the humanitarian field. Indeed, despite the progress made in the past two decades in the field of humanitarian negotiation, the dialogue between negotiation theories and humanitarian practice has just begun. For the field of security risk management, especially for actors seeking to influence external stakeholders in the operational environment, additional future research efforts that examine these issues through the lens of negotiation scholarship will only further enhance practitioners' understanding of how to execute the challenging task of gaining and maintaining acceptance.

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