

# Negotiating Customs and Environmental Cooperation



## The Negotiation Process

# Advanced Preparation

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- Attendees with
  - Authority to negotiate
  - Expertise in subject
  - Skill in negotiation
- Draft text in hand
- Positions, fall-back positions & explanations
- Approval process



# Course of MOU Negotiations

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- ❑ Opening plenary session
- ❑ Working groups
- ❑ Regrouping in plenary
- ❑ Delegation meetings
- ❑ More working groups
- ❑ More delegation meetings
- ❑ Closing plenary
- ❑ Celebrations!



# Working Groups

- Who?
- What?
- Where?
- How?



# Self-Selected Subgroups for Specific Sections or Issues

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- Lengthy or detailed text
- Difficult issues
- Perhaps of interest to some, but not all



# Some Negotiating Tips

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- ❑ Share their culture and language
- ❑ Make inter-dependence a factor
- ❑ Make unilateral concessions
- ❑ Be clear in your own mind and explain your demands
- ❑ Don't be confrontational
- ❑ Come prepared with options
- ❑ Try to find out in advance what the other side wants

# Always Keep in Mind the Goal Shared by All

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Not reaching a practical agreement here could mean mission failure - that ports and the environment would not be protected, that international commitments would not be met

An "agreement" reached by not negotiating fairly could poison future working relationships. An agreement without trust is not real

A good process makes a good agreement:

- ❑ future operations will be more successful and at lower cost
- ❑ effort in planning now will reduce or save future implementation problems
- ❑ less friction and less confusion during joint operations

# Recapitulation

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Until this point in lectures we have covered:

- “The Challenge That Multilateral Environmental Agreements Would Address in Ports”
- “Effective National Program Design”
- Most of “The Negotiation Process”

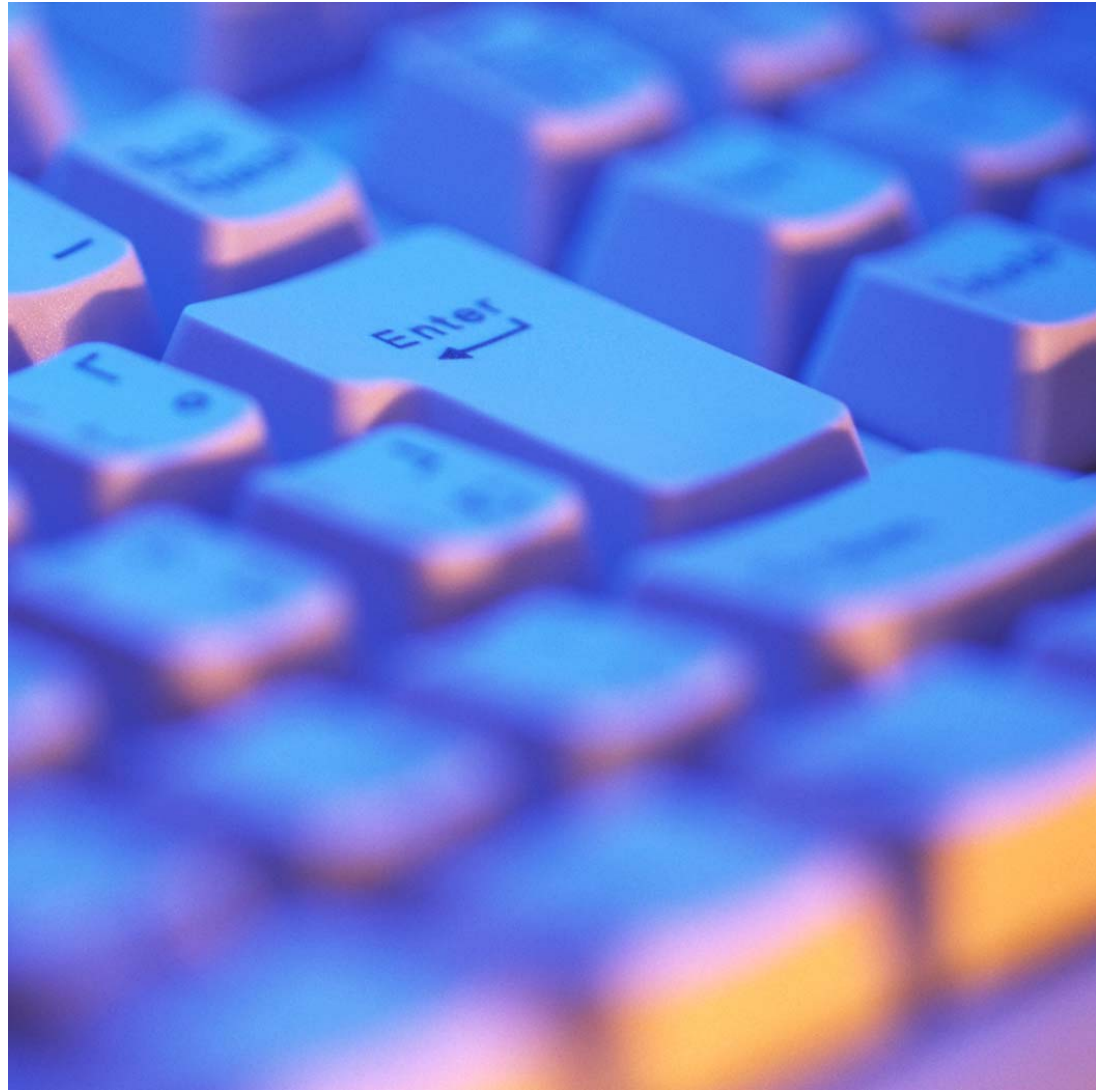
“Bracketing” is the first step in your process of negotiation

# Negotiating the Text

## [The Use of Brackets]

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- ❑ Alternative text
- ❑ Fundamental disagreements
- ❑ Confusion
- ❑ Exhaustion



# Reasons for NOT Bracketing

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- Tentative agreement on some language—this is success and should not be bracketed
- Waiting for approval or direction –
  - your task is not to wait but to work and agree upon what you can recommend to top policy makers
  - not a single word is approved yet, and this is no reason to bracket any word