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Liz Buxton, External Relations & Marketing Manager, IBRU,
Department of Geography, Durham University DH1 3LE, UK
Tel: +44 191 334 1965 ♦ Fax: +44 191 334 1962 ♦ Email: e.a.buxton@durham.ac.uk

Thank you.



B u i l d i n g a n d
p r e p a r i n g a
n e g o t i a t i n g t e a m

By Henning Dobson

Why talk about "the team"?

maritime boundaries - a mix of policy, law and
technical aspects

all competences must be on board and must
speak the same language

a successful negotiation depends on the team

Who and how many?

- Government officials
- Lawyers
- Technical experts

As small as possible but large enough to cover all aspects
(agree number and rank with counter part)

Main team vs. back-up team

Tasks government officials

- Responsible for the mandate
- Responsible for briefs
- Responsible for media contact

- Focal Point for contacts at policy level
- Head of Delegation, Secretariat and Deputy HOD
- Very often MFA representatives

Tasks for lawyers

- Prepare the underlying legal analysis (caselaw, state practice, incl. possible outcome of adjudication)
- Bad cop ("the lawyer says no")
- Very often a MFA representative – must be expert in delimitation / boundary making
- Good idea to have external legal advise (may / may not be part of the team)

Tasks for technical experts

Responsible for geodetic calculations, incl.

- Basepoints
- Relevant area
- Maritime zones
- Median lines
- Ratios
- Etc.

Must produce maps, present difficult calculations and cooperate with counter part GEO POC

Organisation of work

Back-up team (large) v. negotiation team (small)

Appoint a Secretariat and Focal Points for policy, law and technical aspects

Head of Delegation: talks at sessions, instructs lawyers and technical experts and reaches the final compromise

Secretariat / Deputy HOD: intersessional work (incl. informal testing of positions – if level of trust and discretion)

The mandate

Timing

- Before negotiations (when negotiating?)
- Mandates to different stages?

Substance

- A precise result or a broad mandate? (burden sharing v. flexibility)
- Under promising – over delivering? (internal process)

Format

- Written, by responsible minister
- (informal) consultation with opposition / stake holders?

Team dynamics

Behind the scene: Different views on emerging issues...

- Convince technical experts not to use a (objectively correct) basepoint as part of the negotiation strategy?
- Translate calculations to government officials / lawyers?

On the scene: coordination and no disagreement

Briefing the team

The Goal

The Team must be one entity, speaking the same language and understanding the mandate

The Means

- Training courses and workshops,
- Present / discuss mandate, perspectives, strategy and tasks for the different players

Spend time together!

Time frame

- **Varies - often more than 50 years**
- **Important to have two winners**
- **Political or commercial pressure?**
- **Positive to be fast?**
- **Use windows of opportunity!**

Venues

- **Government meeting rooms, hotels**
- **Enough room for all, break out rooms, HOD room / space, technical room**
- **IT, food and drinks at venue**
- **Walk and Talk to restaurants**
- **Host meeting every second time**

c o s t s

- **Government officials are covered by ministries (get green light to spend time)**
- **Budget for travel and accommodation**
- **External advisors (support internal analysis - good money spend)**
 - **Rates from EURO 350 per hour and upwards**
 - **Cheapest advise might not be the best / could send wrong signals**

Questions?

By Henning Dobson