

Negotiating Health Development Leadership Training

**Supported by the Ministerial Leadership Initiative for Global
Health (MLI)**

**Park Village Hotel, Budanilkantha, Nepal
21-23 September 2009**

**Elizabeth McClintock
and Gardner Heaton**

Training conducted by CMPartners, LLC, Cambridge, MA USA

Negotiating Health Development Leadership Training

Final Summary Report

January 5, 2009

Executive Summary

The Ministerial Leadership Initiative (MLI) launched a pilot Leadership Training program for the Nepal Ministry of Health and Population (MoHP). From September 21-23, 2009, MLI hosted the *Negotiating Health Development Leadership Training* in Kathmandu, Nepal for the senior team from the Ministry of Health and Population. The workshop transferred to participants the leading theory, tools and techniques in the fields of negotiation, conflict management and communication with an emphasis on the practical application of intellectual technology in their everyday lives at the MoHP.

Negotiating Health Development participants responded well to the customized program. For the overall evaluation of the program, on a scale of 1 through 5 where 1 equals Poor, 2 = Fair, 3 = Good, 4 = Very Good and 5 = Excellent, one (1) participant responded Good, nine (9) participants responded Very Good and four (4) responded Excellent. Participants also recommended that the program would benefit from more foreign negotiation examples, additional role play with real cases, and that the program be extended to offer more time for practice and located further away from work distractions. All respondents recommended the NHD Leadership Training program for other professionals including Ministry officers, donors, INGOS and district level staff.

The training facilitators suggested strategic follow-up and reinforcement activities including providing further training for groups of negotiators already given the leadership training, and establish a cadre of expert coaches (from both inside and outside MoHP) to assist with the most important negotiating challenges. The facilitators also proposed that MoHP practitioners maintain active contact with outside negotiating experts and seek their advice and assistance in preparing for and conducting most-significant negotiations, in resolving important conflicts within or outside MoHP, and in making challenging strategic relationships more productive for all involved.

I. Background To Workshop

The Ministerial Leadership Initiative for Global Health (MLI), funded by the Bill & Melinda Gates Foundation and the David and Lucile Packard Foundation, seeks to strengthen the leadership capacity of ministries of health in Ethiopia, Mali, Nepal, Senegal, and Sierra Leone. In partnership with Results for Development Initiative (R4D), MLI launched a pilot Leadership Training program for the Nepal Ministry of Health and Population (MoHP). From September 21-23, 2009, MLI hosted the *Negotiating Health Development Leadership Training* in Kathmandu, Nepal for the senior team from the Ministry of Health and Population. The workshop transferred to participants the leading theory, tools and techniques in the fields of negotiation, conflict management and communication with an emphasis on the practical application of intellectual technology in their everyday lives at the MOHP. The key documents of the training program were all translated into Nepali to facilitate learning transfer and when needed facilitators and participants benefited from a professional language interpreter.

The training was conducted by Elizabeth McClintock, Managing Partner, and Gardner Heaton, Senior Consultant, of the Cambridge-based training and consulting firm, CMPartners, LLC. See Appendix 8 for further description of CMPartners' expertise.

II. Next Steps

1. Improvement of MoPH Negotiation Capabilities and Results: Some Best Practices

There are a wide range of initiatives that will help improve The Ministry of Health and Population's negotiation capabilities and results. While we believe that workshops are an important vehicle for the development of negotiation skills, we recognize that bringing about enduring change requires more. Thus we see the Negotiating Health Development Leadership Training as a necessary beginning to a long-term effort to bring about sustainable, value-creating change.

Negotiation can be viewed as a critical competence, and certain organizations place significant attention and focus on systematically developing this capability. These organizations identify specific practices and capabilities to be reinforced and developed which will likely create the most value over time. They articulate expected mindsets, capabilities and behaviors.

The facilitators have captured below some best practices from CMPartners' clients as they have improved their organization's negotiation capabilities and results. We suggest that MoHP consider creating an integrated plan from this menu of possibilities, and would welcome the opportunity to help build and execute such a plan. It is our understanding that MLI will also be a central source of support in any endeavors to support MoHP negotiation capability. The best practices presented herewith fall into two main categories: practices, which MoHP can adopt on their own or with MLI assistance (items 1-4) and those, which CMPartners conducts for MoHP (items 5 and 6). The recommendations are as follows:

1. **Management Leadership, Reinforcement and Coaching**
Integrate negotiation coaching and reinforcement into the job of every key manager.
2. **Internal Processes**
Develop internal procedures to ensure the best possible preparation for, and conduct and review of every significant negotiation, be it external or internal.
3. **Internal Tools**
Develop tools to help negotiators prepare for, practice, and review their important negotiations as part of a continuing learning process.
4. **Individual Self-Study**
Provide materials designed for individual self-paced study of negotiating tools, styles, practices.
5. **Follow-up Group Training/Individual Coaching**
Provide further training for groups of negotiators already given introductory workshops, and establish a cadre of expert coaches (from both inside and outside MoHP) to assist with the most important negotiating challenges.
6. **Consulting on Transactions/Conflicts/Challenging Relationships**
Maintain active contact with outside negotiating experts and seek their advice and assistance in preparing for and conducting most-significant negotiations, in resolving important conflicts within or outside MoHP, and in making challenging strategic relationships more productive for all involved.

The above categories are discussed in detail below.

1. Management Leadership, Reinforcement and Coaching

In our experience, active management leadership is the most critical element in continually improving individual and organizational negotiation skills and results. Senior leaders and managers who identify, articulate, and model appropriate behavior are key to achieving sustainable change, because these leaders' efforts to "walk the walk" and demonstrate their commitment to negotiation development and excellence significantly impact others' individual commitment to improvement. Promoting this type of leadership action should be a central theme of efforts to improve negotiation capabilities and results. MoHP leadership activities to consider include:

- Articulating and discussing appropriate measures of success for negotiations (Note: consider the checklist for a 'good outcome' in negotiation presented in the NHD workshop and listed in English and Nepali on the laminated job aids)
- Encouraging frequent and systematic preparation for negotiations with their negotiating teams using the Seven Element Framework Preparation Worksheet (English and Nepali versions are available and please note that it may make sense to design a new worksheet for the Ministry which more closely reflects work flow, objectives, deal parameters and health sector-context specific challenges and opportunities).
- Encouraging frequent and systematic reviews of negotiations: asking what worked well and why, and what might have been done differently and why, and being very specific in those conversations
- Exhibiting a constructive, proactive, joint problem-solving approach to negotiation, as opposed to a reactive, adversarial approach;
- Coaching negotiating team members specifically on the topic of negotiation;
- Sharing success stories and rewarding desired behavior; and
- Using a new vocabulary to talk about negotiation (e.g., BATNA, Interests, Options, Legitimacy, etc.).

2. Internal Processes

A second set of activities involves creating a set of processes to support and encourage appropriate negotiation activities. Processes include:

- Allocating Negotiation "Resource." An organization creates a structure/system to support negotiators/key negotiations (e.g., individuals or "champions" are assigned to serve as coaches - possibly outside of reporting lines, internal trainers are developed, a senior executive is assigned responsibility to improve organizational negotiation capability, etc.);
- Using "Standard Operating Procedures" around preparation (e.g., individuals or teams complete preparation templates before negotiation, committee/senior manager review targets/strategy/tactics before key negotiations, individuals prepare with colleague/coach, importantly, preparation is put to words and role-played prior to actual negotiation, etc.);
- Using "Standard Operating Procedures" around review (e.g., teams debrief after major negotiations, quarterly best practice discussions, individuals complete debriefing forms that feed into a best practices database, etc.);
- Correlating/tracking negotiation results and behaviors;
- Aligning incentive systems to support desired negotiation behaviors and results; and
- Communicating amongst workshop participants every 3-6 months with additional relevant content on topics of interest (e.g., articles, presentations, best practice summaries, etc.). Note the first follow-up email shall be sent to workshop participants near the date of the presentation of this report.

3. Internal Tools

A third set of activities involves creating tools to support individuals as they prepare and conduct negotiations.

These tools which may be internet or intranet based include:

- Databases of past negotiations with key information highlighted (e.g., innovative options, interests/objections of other side, “fairness” or “objective” standards/arguments, best practices “at the table” --responses to tough questions, particular questions to ask, etc.);
- Customized and tailored templates for preparation. These templates can be provided in an on-line form that can be utilized with and integrated into a client’s own electronic work and communications infrastructure (e-mail, groupware, intranet, etc.) The tool that we recommend as most immediately customizable is the CMPartners’ Seven-Elements Preparation Tool which has already been translated in Nepali and was used during the workshop;
- Customized and tailored templates for review including one-page forms which allow colleagues to provide structured feedback to in-house role-play practice negotiations;
- Negotiation protocols or guidelines that identify “best practices” on how to approach different types of negotiation (e.g., a set of steps for negotiations with high joint gain potential and an interest in long term relationship, a different set of steps for price sensitive, commodity negotiations, etc.); and
- Databases that identify expertise inside MoHP to enable effective consultation with colleagues.

4. Individual Self-Study

This should include periodic distribution on a monthly or quarterly basis of articles and presentations on topics of interest and relevance. This effort might include specific books for distribution to specific groups. As a follow-up for all, *Getting to Yes* by Roger Fisher and William Ury as well as *Getting Past No* by William Ury is recommended for participants or as part of an easily accessible library within MoHP. The facilitators also suggest books such as *3-D Negotiating* by Lax and Sebenius, *Influence: The Psychology of Persuasion* by Robert Cialdini, and *Difficult Conversations: How to Discuss What Matters Most*, by Stone, Heen and Patton.

5. Follow-up Group Training/Individual Coaching

CMPartners offers *Advanced Negotiation Workshops* in which we work to enhance and refine the skills developed in previous workshops and present new tools or concepts, as appropriate. As with our other workshops, these workshops involve specific preparation activities, including diagnostic conversations, short reading, and a questionnaire that seeks to gauge participants’ experience in applying the tools and concepts they learned at an introductory negotiation skills workshop, such as NHD Leadership Training, to their specific experience and challenges. We help participants learn to pinpoint deficiencies in their own skills repertoire and develop strategies for improving those skills on their own and provide targeted and individualized feedback.

Negotiation Clinics over the course of a half-day or full day (or even just two hours) provide opportunities in less formal, less structured settings than workshops for client personnel to meet together to reinforce tools and ideas, or to analyze and prepare for a particular negotiation. Usually, this approach involves some preparation work on CMPartners’ part in order to attain familiarity with the particular issues on which the group is interested in working. In addition to focusing on the substance of a particular negotiation or negotiation challenge the group faces in the marketplace, group clinics often also have a “learning lab” component that encourages people to experiment with the dynamics that they are currently finding difficult in the field.

As this suggests, the Negotiation Clinic is a flexible forum with many applications. It provides a time in which we could help one or two individuals in preparing for an upcoming negotiation or in debriefing a negotiation they had just had. It also provides opportunities for team members to educate other team members about their own negotiation challenges, as well as the techniques and strategies that have been working well.

We also *work with individuals* to diagnose negotiation challenges and design and provide highly individualized coaching. This coaching involves behavioral feedback and/or provides additional negotiation tools. To encourage people to make use of this kind of assistance, clients often offer this assistance to people with guarantees of confidentiality.

This category includes the development of Training of Training workshops and offering written Teaching Notes for the introductory level workshop, such as NHD Leadership Training.

6. Consulting on Transactions/ Conflicts/ Challenging Relationships

CMPartners actively assists in the analysis, planning and negotiation of specific transactions, conflicts or challenging relationships with the dual purpose of reinforcing ideas and tools and of adding value on the specific case. One form that this option may take is a negotiation “hotline” by which CMPartners acts as an on-going resource for advising on actual negotiations. Some clients focus this consulting on “hard” cases or failed (or failing) transactions or relationships.

III. Composition of Workshop

The Negotiating Health Development workshop brought together 16 participants from the Ministry of Health and Population. A range of senior officials were present including Dr. Praveen Mishra, Secretary, Ministry of Health and Population, Dr. Govinda Prasad Ojha, Director General, Department of Health Services, Dr. Y. V. Pradhan, Chief of PPIC Division, Ministry of Health and Population, Mr. Padam Raj Bhatta, Joint Secretary, Ministry of Health and Population, Dr. Mingmar Gyelzen Sherpa, Director, Logistics Management Division, Department of Health Services, Dr. Baburam Marasini, Senior Health Administrator and several under secretaries and regional representatives.

The workshop was also attended by Ms. Gabriele Mallapaty, MLI Country Lead, Nepal and Ms. Amanda Folsom, MLI Senior Program Officer, USA. Mr. Balram Adhikari translated workshop materials from English to Nepali prior to the workshop and provided real-time interpretation during the session. A Program Officer and Computer Assistant from MOHP both observed the session. A full list of participants appears in Appendix 1.

The two and one-half (2 1/2) day workshop was held at the Park Village Hotel, in Budanilkantha, Nepal. The venue is located on the outskirts of Kathmandu away from the demands of work at the Ministry itself and offered participants workshop facilities, meals and accommodations. The length of the program was long enough to allow participants to learn and practice new skills and techniques and was not too long so as to disrupt the important work of the MOHP.

IV. Content of the Workshop

The Negotiating Health Development Leadership Training presented leading theory, tools and techniques in the fields of negotiation, conflict management and communication, emphasizing the practical application of the intellectual technology to the participants’ everyday professional lives at MoHP. The content of the workshop parallels the content of a World Health Organization publication *Negotiating Health Development: A Guide for Practitioners*, co-authored by workshop facilitator Elizabeth McClintock.¹ The 89-page booklet was written to be useful for practitioners seeking to influence the process of health development. The authors present tools, frameworks, processes, and questions geared towards common challenges when dealing with health related

¹ Drager, N., McClintock, E., Moffitt M. *Negotiating Health Development: A Guide for Practitioners*. Geneva, Switzerland: Conflict Management Group and World Health Organization, 2000, 89p. The guide was given to NHD workshop participants in English and Nepali and both versions will soon be available for download on the Ministerial Leadership Initiative website (www.ministerial-leadership.org/events/negotiating-health-development-leadership-training-workshop).

issues in developing countries. The approach is based on the training of officials from over 40 developing countries.

To pilot a leadership training program to best meet participants' needs a senior consultant of the Organizational Development Center (ODC), Kathmandu, interviewed selected individuals from the Ministry prior to the session. The respondents provided valuable information that assisted the workshop facilitators with background information regarding specific challenges and opportunities relating to negotiation, communication and conflict management. The diagnostics indicated a strong interest in improving negotiation skills and learning best-practices for negotiating in the health sector. Specifically, respondents indicated a need for a negotiation framework to assist in achieving optimal results, increased ability to ask strategic questions and tools for helping to gain compliance and implementation on commitments made, both within MoHP and externally.

To achieve these ends, CMPartners facilitators utilized a methodology and approach that was highly interactive and which asked participants to push themselves beyond their comfort zones over the two and a half-day session. Each day included brief learning modules on theory or new tools followed by immediate application of the learning in exercises, role-play simulations and table-group or open-room discussion and debriefs. Continuous, real-time application of the newly-learned concepts and tools against situations first based outside of the participants work reality and later focused deeply on their real-world challenges provided the best means of both stimulating participants and maximizing the likelihood that participants will use the skills going forward.

The workshop introduced participants to a core theory of negotiation presented by Roger Fisher and William Ury in their book *Getting To Yes: Negotiating Agreement Without Giving In* (Second Edition published by Penguin Books, New York, 1991). General learning objectives of NHD training included building participants' awareness, skills and confidence in negotiation strategies, methods and techniques. Specific learning objectives included enabling participants to transfer newly acquired knowledge of negotiation and decision-making into skillful action in their mission critical work at the MoHP. Additionally, the program was designed to enhance the abilities of participants to analyze and conduct important negotiations and to manage day-to-day decision-making in their professional lives. The facilitators sought to increase participants' awareness of the process by which they and others negotiate, manage conflict and communicate, and the importance of that process; provide a framework for structured thinking about negotiation and decision-making and to enable better goal setting, preparation, strategic conduct, and review; provide tools and "best-practice" techniques to negotiate durable agreements and build and maintain stronger working relationships; improve existing skills and add new skills; and enhance the ability to use the tools and techniques with confidence and effectiveness.

Day One: Introductions, Purposes of Training, Strategy Exercise and The Seven Element Framework

1. Orientation and Introductions

The first day entailed the mid-day arrival and check-in of participants to the Park Village Hotel. MLI Country Lead Gabriele Mallapaty welcomed participants and provided background for the training as a part of MLI's broader initiative to support Nepal's Ministry of Health and Population. Workshop facilitators Elizabeth McClintock and Gardner Heaton provided introductions, background to CMPartners approach, assumptions and methodology and presented the agenda for the 2 1/2 day program.

2. Strategy Exercise: *Win As Much As You Can*

After framing the workshop facilitators led participants through a high-paced, high-energy strategy exercise entitled *Win as Much As You Can*. The exercise is a classic four-person prisoner's dilemma played in ten quick rounds, which provides a vehicle for examining the connections between self-interest and group well-being. The exercise also illustrates fundamental differences between one-time encounters and negotiations in which parties have ongoing relationships.

The results of the exercise reveal a great deal about what happened in each game. The MoHP participants were far more cooperative than competitive, many receiving very low scores or even zero and negative scores. The only two instances of high scores in the room were the result of tactical breaches of agreement after the last two bonus rounds.

Themes that emerged during the debrief showed that short term gains can lead to long-term losses; it isn't in your interest to leave other people feeling as if they have to get even for past losses you have made them incur; negotiate with deeds as well as words; seek reciprocity; build a positive coalition; invoke both your and their reputation; create compliance mechanism where necessary; and make yourself trustworthy.

3. Participant Introductions, Purposes and Negotiation Style

After debriefing the strategy exercise participants were asked to reflect individually and then discuss in table groups their purposes for the workshop. Facilitators asked, "If these three days were a good use of your time what would you gain or walk a way with?" Before sharing the top three purposes from each table individuals were asked for their name, role within MoHP and how long they been in that role and for a one-word descriptor of themselves as a negotiator. The descriptions of their negotiation style serve several purposes. First, simply reflecting on how you see yourself as a negotiator increases your awareness of yourself and your communication style. Second, the descriptions, taken together, provide facilitators with a baseline sense for how the group may approach negotiation and problem-solving as an organizational culture. Finally, the descriptors are for the most part very positive and illustrate how we as individuals often view our own skills, abilities and intentions in a very charitable way. Participants' negotiation styles included descriptors such as "win-win", "listener", "accommodating," "patient," and "peacemaker".

The purposes participants envisioned for the workshop are helpful because they provide facilitators with a goal or target to hit over the course of the 2 1/2 day workshop. The purposes were posted on flip charts and included the following:

- Increase negotiation skills
- Achieve a results-based vision
- Seek win-win relationships with other parties
- Capture learning to share with other MOHP team members
- See alternatives in complex negotiations
- Cultivate a win-win attitude
- Enhance leadership qualities for negotiation
- Improve understanding of and management of negotiation process
- See negotiation as a conflict management method
- Test quality of training
- Understand the impact of training on the MOHP
- Improve capacity to manage negotiations for health development
- Share own negotiation experiences with others at training and learn from their experiences
- Build skill sets in negotiation and as a leader
- Share skills with other practitioners

The participant purposes were posted with their negotiation styles to create a public record and offer a reference for facilitators to return to throughout the workshop.

4. A Framework for Measuring Success

Facilitators then presented a framework by which leaders in any institutional context could measure the success of decisions made. Facilitators provided an overview of The Seven Element Framework:

- **INTERESTS.** Interests are not positions; positions are parties' demands. Underlying the positions are the reasons they are demanding something: their needs, concerns, desires, hopes and fears. The better an agreement satisfies all parties' interests, the better the deal.
- **OPTIONS.** Options are the full range of possibilities on which the parties might conceivably reach agreement. Options are, or might be, put "on the table". An agreement is better if it is the best of many options, especially if it exploits all potential mutual gain in the situation.
- **LEGITIMACY.** Each party in a negotiation wants to feel fairly treated. Measuring fairness by some external benchmark, some criterion or principle beyond the simple will of either party, improves the process. Such external standards of fairness include laws and regulations, industry standards, current practice, or some general principle such as reciprocity or precedent.
- **COMMUNICATION.** Good communication helps each side understand the perceptions and concerns of the other. Other things being equal, a better outcome will be reached more efficiently if each side communicates effectively.
- **RELATIONSHIP.** Most important negotiations are with people or institutions with whom we have negotiated before and will negotiate again. In general, a strong working relationship empowers the parties to deal well with their differences. Any transaction should improve, rather than damage, the parties' ability to work together again.
- **ALTERNATIVES.** Alternatives are the walk-away possibilities that each party has if an agreement is not reached. In general, neither party should agree to something that is worse than its "BATNA" -- its Best Alternative To a Negotiated Agreement -- "away from the table."
- **COMMITMENTS.** Commitments are oral or written statements about what a party will or won't do. They may be made during the course of a negotiation or may be embodied in an agreement reached at the end of the negotiation. In general, an agreement will be better to the extent that the promises made have been well planned and well-crafted so that they will be practical, durable, easily understood by those who are to carry them out, and verifiable if necessary.

After presenting the Seven Element Framework the trainers addressed questions, recapped what was covered on Day One and gave an overview of Day Two.

Day Two: MoHP Example, Strategic Compass, Technique Lab and Communication Skills

Facilitators opened Day Two with a Question and Answer session and recapped lessons from Day One.

1. Seven Element MoHP Example

To reinforce the Seven Element Framework facilitators led participants through a discussion of a real negotiation in their work experience, MoHP negotiations with donors on the Compact. Participants were asked to identify and prioritize MoHP interests in the Compact negotiation. Interests included more resources for health needs, limit unnecessary conditionality, respect for national sovereignty and for national health program and priority setting processes, to assure that limited resources are used in priority areas, transparency and overall to build capacity in Nepal. Participants were asked to put themselves into the shoes of the donors and brainstorm their interests. Donor interests included: transfer of technology and expertise, use of donor-developed technology in MoHP programs, to have a positive impact on health outcomes, provide employment for staff/managers within donor country, transparency, recipient respect for their condition, to assure mutually agreed upon standards for good governance, that resources be managed effectively, and to build a relationship with country that serves broader foreign policy needs of donor country. Participants identified shared or common interests amongst the parties as well as noting differing and conflicting interests.

After identifying and analyzing the interests of both parties, facilitators asked participants to brainstorm possible solutions or courses of action, i.e., options, which would meet the needs of the parties. Around the issue of monitoring and evaluation options included: third party advice on the development of the monitoring

mechanism and the indicators to measure, develop a joint monitoring mechanism, a donor-driven monitoring mechanism or MoHP-driven monitoring mechanism, and harmonized monitoring with jointly agreed upon monitoring indicators. Around the issue of financing options included funds given on a project-by-project basis, a common 'basket' of funds, and a combination of 'basket' and project funding.

Facilitators then asked participants to generate a potential list of external benchmarks or standards, i.e., legitimacy, against which the various options can be weighed and compared. Sources of legitimacy included Nepal's national health priorities, rules and regulations of donors, past precedents and experience in other countries, Nepal's foreign aid policy, the Nepalese constitution, and health sector evidenced-based data.

Finally, to understand the various walk-away solutions available to each party, facilitators led a discussion about alternatives. Participants identified that the donors could simply do nothing, maintain the status quo and/or invest in or lend to other countries than Nepal. The MoHP, on the other hand, could say "good bye" to donors, do nothing thereby maintaining the status quo or seek other sources of funding beyond the Compact donors.

The example served to illustrate which types of information from the Compact negotiation corresponded to the elements in the framework. This served to reinforce the definitions of the elements and tie the framework to a real world example.

2. The Grant Negotiation Simulation

Following the discussion of the MoHP example using the Seven Element Framework, participants were given an opportunity to put their understanding of the new tool to work in a negotiating exercise. The trainers developed a negotiation simulation, *The Grant*, for use specifically in the health sector. The simulation parallels many aspects of MoHP's real experience with the Compact negotiation. The simulation involves a program director of an international non-governmental organization, The Global Health Network (GHN), and a representative from the Banduran Ministry of Health. In the simulation, Bandura is a developing country which requires significant funding for health sector reform. The GHN seeks to fund and implement an HIV/AIDS awareness and prevention program. Rather than receive funds specifically earmarked for the HIV/AIDS program, the Banduran Ministry of Health prefers that health sector financial contributions be allocated to a "donor basket", which can then be utilized as needed on priority health programs.

Participants in the workshop were divided into two groups, half representing the GHN and the other half representing the Ministry of Health in Bandura. The two groups then prepared separately for negotiations using the Seven Element Framework to assist them in developing their respective strategies. After an hour-long preparatory session, the members of the two groups were then paired for one-on-one negotiations seeking to resolve the conflict over program-specific versus 'donor basket' funding.

The one-on-one negotiations were followed by an extensive debrief, which focused predominantly on the process the participants used to resolve the conflict and the lessons they learned for application to their own problems and issues. During the debrief participants drew their own lessons from preparing for and conducting *The Grant* negotiation simulation. Upon reflection participants felt it was important to ensure that a negotiation team plans thoroughly to have all the information and expertise necessary before negotiating. Participants also found the welcoming or opening moves of a negotiation were essential to set the tone and that attention should be given to observing appropriate cultural norms. Clear communication between the role players helped to manage fears/concerns about the outcome of negotiation. All participants agreed that thorough interests analysis helped negotiators clarify their own needs and understand the other party's needs. Finally, participants found that flexibility and a willingness to integrate new information during the negotiation assisted pairs in achieving durable commitments.

3. Introduction to The Strategic Compass and Technique Lab

After *The Grant* debrief facilitators introduced participants to the Strategic Compass. In the center of the strategic compass are three elements: interests, options, and legitimacy. Together, these elements form the “circle of value” – where value in negotiation is created. When we are “in” the circle, we are discussing our or the other party's needs, values, constraints, hopes, concerns – in other words, our *interests*. With a good understanding of everyone’s interests, it becomes possible to generate a large number of possible solutions, or *options*, to satisfy those interests. Then, looking to external sources of *legitimacy* such as past precedents at the MoHP or other common practices and procedures in the health sector, we decide which options might be reasonable to say “yes” to. These three elements form the core of the diagram, or the circle of value.

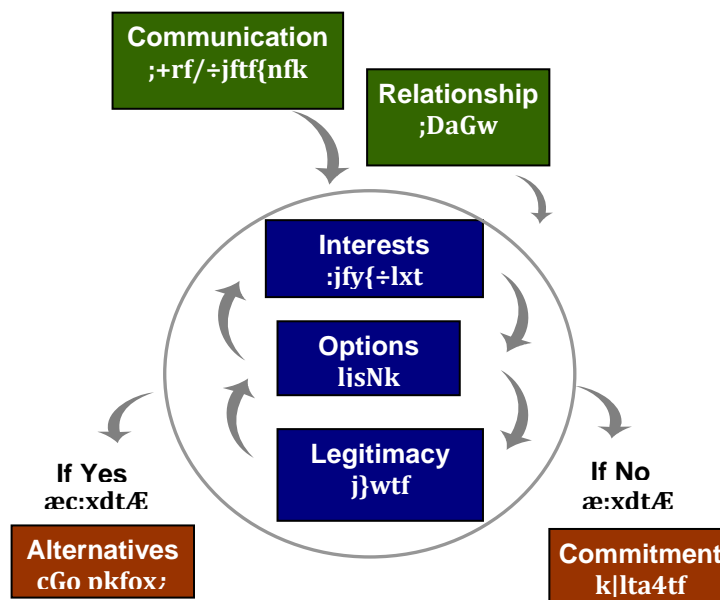


Figure 1. The Strategic Compass

At the bottom right of the diagram is the element of *commitment*. We form a commitment if we both say “yes” to the solution generated in the circle of value. If we could do better for ourselves elsewhere, it may make sense to say “no” and pursue our walk-away *alternatives* – this element is shown at the bottom left of the diagram. The term of art that facilitators shared for one's “best alternative to a negotiated agreement” is called a BATNA.

At the top of the diagram are the two remaining elements of *relationship* and *communication*. They are sometimes referred to as “enabling elements” because, to the degree that we have constructive working relationships and efficient and smooth communication, it is easier to enter the circle of value and generate increasingly valuable options for agreement. On the other hand, when relationships are strained or communication is poor, it becomes much more difficult to be in the circle and to have productive discussion.

Participants were shown that any move at the negotiation table, can be mapped in real-time on the compass as one or more of the seven elements. The benefit of this is to raise our awareness of where we are in the conversation and to determine if it is in fact where we want to be as we pursue our objectives and goals in the conversation. Using the fact pattern of *The Grant*, facilitators conducted a technique lab or “fishbowl” in which participants negotiated with one of the facilitators in front of the group. In the technique lab the facilitator and participant paused their conversation to allow the observing participants to identify what element(s) are being discussed and to offer their ideas of what moves should be taken to ensure the conversation remains on track.

Several participants were brave enough to negotiate with the facilitators and in doing so provided the rest of the room an opportunity for practicing using the Strategic Compass.

4. Communication Skills: Inquiry and Advocacy and The Ladder of Inference

In the afternoon of Day Two the trainers led participants through a series of short communication exercises to highlight the importance of balancing advocacy with inquiry and introduced The Ladder of Inference, a tool for improving persuasiveness when negotiators disagree. Initially described by Chris Argyris of the Harvard School of Education, the Ladder of Inference tool enables negotiators to quickly spot when they are arguing over conflicting positions and conclusions. The Ladder can be used in preparation, in review, and real time to guide both our skilled inquiry into another's views and the effective advocacy of our own.

In its simplest form, the Ladder describes the rise from data: the raw information we and others actually have, to reasoning: the filters and frames we use to collect our data, lend meaning to it, and ultimately make sense (or not) of it, and to conclusions: the top of the Ladder; our position or views.

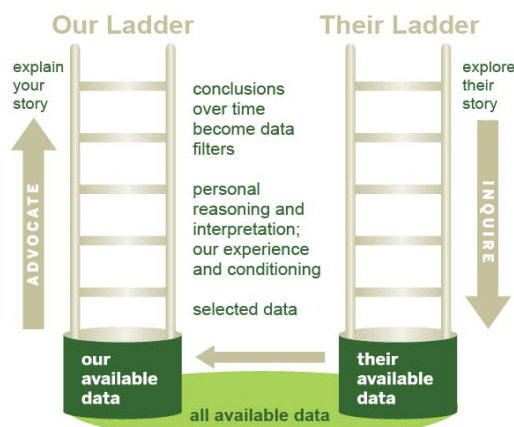


Figure 2. The Ladder of Inference

Day Three: Application of Skills Acquired

Facilitators opened Day Three with a Question and Answer session and reviewed lessons and themes that emerged over the first day and one half of the workshop. Day Three provided an opportunity to take the learning and tools into participants' work realities at MoHP.

1. Application of the Seven Element Framework to MoHP Scenarios

The training team demonstrated to the participants how the skills and tools they were in the process of acquiring could be linked to one another. In order to demonstrate how the Seven Element Framework could be applied to the analysis of a shared problem, table groups selected to work together on MoHP scenarios. Facilitators and participants generated a list of possible scenarios from the participants' working realities and selected the following three scenarios to prepare in small groups using the Seven Element Preparations Worksheets:

1. A negotiation with: MoHP and Private, NGO-run, and community-based healthcare providers
 About: Quality of services, equitable access to care
2. With: Ministry of Finance & National Planning Commission
 About: Next budget allocation for MoHP

3. With: Trade Unions (e.g., medical/nursing)
About: Compensations packages, career development

After two hours of preparation in small groups participants role-played both sides of the negotiation in their scenario. While two participants negotiated, the other participants in the small group observed and tracked where the conversation was on the Strategic Compass. After short rounds of role-play the observers provided real-time feedback to the negotiators in the role-play. The opportunity to receive real-time peer feedback on a negotiation that is relevant to their work world is very helpful in highlighting what is ‘working well’ for the negotiators and what they might consider ‘doing differently’. Facilitators reinforced the importance of review as a vehicle for continuous learning and improvement.

2. Discussion for Next Steps After the Workshop

To help participants consider how they might reinforce their own and the entire groups’ learning and skill application after the workshop, facilitators led a brainstorming and discussion session around possible next steps. Participants suggested that they should always consider the seven elements when negotiating, share ideas and teach skills to others who did not participate in the workshop, consult with those who just negotiated to learn from their experiences, consider negotiation skills as part of the MoHP career development process, review negotiation materials/literature, practice skills, do a training in negotiation at district level and establish a small group within the MoHP to deepen skills.

Participants also brainstormed a list of what MLI could do to support ongoing learning, sharing of ideas, and institutionalization of the negotiation capacity at MoHP. The suggestions included for MLI to organize cross-country exchanges, support training of trainers, organize and support capacity building efforts at the district level, organize an advanced course in negotiation for core group of leaders, organize short refresher courses for NHD participants, follow up with participants on what they have been doing and on how skills have been used in the leaders’ day to day lives, share best practices from other health development negotiations in other countries, organize a training at CMPartners offices in Cambridge, organize a training for the donors and share ideas, successes via electronic media.

From the discussions above MLI and CMPartners have already begun follow-up and reinforcement activities. These efforts include developing English and Nepali graphics of key tools such as the Strategic Compass and The Ladder of Inference. These images can be viewed on the MLI website and will be created as posters for MoHP. Additionally, MLI has posted a short recommended reading list and initiated a web dialogue on health sector negotiations to stimulate thought for participants around how they might be able to apply their learning to timely and important health sector issues.

V. Participant Evaluations

Each participant was asked at the end of the workshop to do a written evaluation of the three-day Negotiating Health Development Leadership Training experience. Individual evaluations have been retained and are available for review. Attached at Appendix 6 is a compilation of the responses to these questions. What emerges from a reading of these responses is a remarkable shared enthusiasm for the workshop experience including participant group, the training methodology, the quality of the training and trainers, the focus on MoHP.

1. Quantitative Evaluations

In general, the quantitative assessments offered by the participants ranged from “Good” to “Excellent” in terms of the content and teaching methodology, the various training exercises and simulations, and the role and skills of the trainers. For the overall evaluation of the program, on a scale of 1 through 5 where 1 equals Poor, 2 = Fair, 3 = Good, 4 = Very Good and 5 = Excellent, one (1) participant responded Good, nine (9) participants responded Very Good and four (4) responded Excellent. For the overall evaluation of instructor’s facilitation, using the same scale, one (1) participant responded Good, six (6) participants responded Very Good and seven (7) responded Excellent. In rating the usefulness of the content of the program to their job nine (9) participants responded Good and five (5) responded Excellent.

2. Open-ended Questions

When asked what three points of learning the participants found most valuable and applicable to their jobs responses emphasized the following (in descending order): Seven Element Framework, preparation, negotiating the process as well as the substance, goal setting and taking clear decisions, sharing learning with colleagues, using skills internally and externally to the MoHP, using skills in daily life. Participants were asked how they would apply what they learned to their job. Responses included sharing ideas with junior and senior colleagues as well as other officials and preparing using the Seven Elements before negotiations. Participants were asked for suggestions on how to improve the program. Recommendations included adding more foreign negotiation examples, add role play with more real cases, additional training and refreshers, and locate another session further away from work distractions. All respondents recommended the NHD Leadership Training program for others. Specific recommendations included holding the training for officers, donors, INGOS and develop a MoHP district level workshop as well as district level training of trainers.

Appendices

1. Participant List
2. Workshop Agenda
3. Participant Evaluations
- 4. Sample Lessons Learned**
- 5. About CMPartners, LLC**

Appendix 1 : Participant List

Negotiating Health Development
Leadership Training Workshop
September 21-23 2009
Kathmandu, Nepal
Participant List

Dr. Praveen Mishra, Secretary, Ministry of Health and Population

Dr. Govinda Prasad Ojha, Director General, Department of Health Services

Dr. Y. V. Pradhan, Chief of PPIC Division, Ministry of Health and Population

Mr. Padam Raj Bhatta, Joint Secretary, Ministry of Health and Population

Dr. Mingmar Gyelzen Sherpa, Director, Logistics Management Division, Department of Health Services

Dr. Baburam Marasini, Senior Health Administrator, Ministry of Health and Population

Mr. Kabiraj Khanal, Under Secretary, Ministry of Health and Population

Mr. Yogendra Gauchan, Under Secretary, Ministry of Health and Population

Mr. Giri Raj Subedi, Senior Public Health Officer, Ministry of Health and Population

Mr. Deependra Kafle, Under Secretary, Ministry of Health and Population

Dr. Gopal Khanal, Deputy Director , National Centre for HIV/AIDS

Mr. Mohammad Daud, Acting RD, Mid West

Mr. Bishnu Timilsina, Western Region Representative

Mr. Parashu Ram Shrestha, Senior Public Health Administrator, Department of Health Services

Ms. Indira Thapa, Eastern Region Representative

Dr. Shyam Sundhar Mishra, Senior Public Health Officer, Ministry of Health and Population

Ms. Gabriele Mallapaty, MLI Country Lead, Nepal

Ms. Amanda Folsom, MLI Senior Program Officer, USA

Mr. Balram Adhikari, Interpreter, Nepal

Mr. Hira Baral, Program Officer, Nepal

Mr. Paras Shrestha, Computer Assistant, Nepal

Appendix 2 : Workshop Agenda

Nepal Ministry of Health and Population
Negotiating Health Development Leadership Training
September 21-23, 2009
Park Village Hotel, Budanilkantha, Kathmandu
Elizabeth McClintock and Gardner Heaton, CMPartners, LLC

Day 1

Registration and Lunch at Park Village Hotel

Introductions and Purposes of the Workshop

Strategy Exercise: “Win As Much As You Can”

Participants’ Purposes

Introduction to Seven Element Framework of Negotiation

End Day 1 and brief look ahead to Day 2

Day 2

Review Seven Element Framework and Lessons from Strategy Exercise

The Grant: Health Reform Negotiation Preparation, Role-play and Review

Introduction to Negotiation Strategic Compass

Negotiation Technique Lab Using The Grant Role-play

Communication Skills: Inquiry and Advocacy

Communication Skills (continued): Ladder of Inference and Inquiry Drills

Wrap-Up Day 2

Day 3

Review Lessons from Day 2

Dealing with Difficult Tactics

Ministry of Health and Population Applications

- Scenario Preparation in Small Groups, Role-play and Review

Group Discussion on Next Steps

Closing the Session: Feedback Forms and Certificate Ceremony

END OF WORKSHOP

Appendix 3. Compiled Participant Evaluations

1. Overall, how would you evaluate the program?

Poor	Fair	Good	Very Good	Excellent
1	2	3	4	5
			x	
				x
				x
				x
			x	
			x	
			x	
			x	
				x
			x	
			x	
			x	
		x		
Total		1	9	4

2. How would you rate the instructors' overall facilitation of the training programme?

Poor	Fair	Good	Very Good	Excellent
1	2	3	4	5
			x	
				x
				x
				x
				x
				x
				x
				x
			x	
			x	
			x	
			x	
			x	
		x		
		1	6	7

3. How useful did you find the content of the program to your job?

Poor	Fair	Good	Very Good	Excellent
------	------	------	-----------	-----------

1	2	3	4	5
				x
				x
			x	
			x	
			x	
			x	
			x	
				x
			x	
			x	
			x	
				x
				x
			x	
			9	5

4. What three things did you find most valuable about this training that you can apply to your job?
- 1) Knowing Negotiation; 2) Propose points to the other side; 3) Take decision
 - 1) Seven elements for Negotiations; 2) Needed preparatory work before negotiation
 - 1) Objectives; 2) Seven element framework; 3) Preparation and guidelines for negotiating
 - 1) Seven elements of Negotiation; 2) Preparation for negotiation; 3) Emphasis on advocacy and inquiry
 - 1) Relationship or Public Relations; 2) Communication Skills; 3) Negotiation skill as a whole
 - 1) Consider seven elements of negotiation framework; 2) Share the seven elements with the negotiators; 3) Inform district level officials about negotiation skills
 - 1) Always remember the seven element framework; 2) Especially interest, option and legitimacy
 - 1) Possible to work in relation to this training; 2) Collaboration between Nepalese Government and donor agencies; 3) In internal problem became member of the working group/committees
 - 1) To reach agreement with higher level agencies on professional demands; 2) Use this in negotiations with lower level agencies; 3) In daily life
 - 1) Process of negotiation; 2) Elements of negotiations; 3) How to bring win/win situations for both parties, options
 - 1) Very useful seven elements; 2) Those sitting for negotiation should know about these; 3) Before sitting for negotiation should do preparatory work
 - 1) Interest; 2) Options; 3) Legitimacy
 - 1) Negotiation skills and others; 2) Points to know
 - 1) Alternatives; 2) Options; 3) Commitment
5. How do you plan to apply what you have learned in this program to your job?
- After consulting all concerned
 - I will do the preparation following the seven elements for various negotiation required with various parties from the Ministry
 - Sharing with other officials
 - By partnering with co-workers and by applying it to real negotiation

- After the workshop share with senior colleagues. This might help in planning process and will solve the financial constraints for implementation of the programme
- Will plan based on consideration of seven elements framework before sitting on the negotiation table
- Try to apply it in each and every step of working
- Because my work involves a lot of relationships, will use this as the basis to work in the future
- Always use seven elements framework
- After discussion with colleagues
- Will go only after studying these before going negotiations
- By paying attention to seven elements of negotiations
- Apply according to need
- By applying to your professional work in a practical way

6. What suggestions do you have for improving the program?

- Get foreign experience and get training time to time
- Suggest training venue to be further away for two three days, Role play with real cases would be even better
- Bullet points / focused points
- It will be useful to discuss the players and the play behind the scene of negotiations
- More practicals
- It would have been even better if best practices of other countries were included
- More practical with serious concentration
- Should provide additional training
- None
- More examples
- The programme is good, there should be some financial incentives for participants
- Refresher training time to time and sharing experience with your own professional teams
- If it were further away from city could have given better time without disturbance
- Should increase participation during role plays

7. Would you recommend this program for others? Yes_____ No_____

- Yes, this is a good programme
- Yes, very useful for negotiations
- Yes, this helps others to cooperate
- Yes, useful and contextual
- Yes, it is very much fruitful. Can train other officers and develop district level training of trainers
- Yes, because this skill is very useful for our country
- Yes, it is important to all
- Yes.
- Yes, to district level managers
- Yes.
- Yes, because it is appropriate for negotiations
- Yes, recommend district level and below district level health workers training
- Yes.
- Yes.

8. Any other comments (facilities, learning materials, etc.)

- This seminar organized by MLI is good. To further complete these please try to make the same people experts.
- Need to include leaders/senior officials and to provide additional facilities
- Found extremely good. Keep it up
- Excellent
- Should have cross country exchange on this subject
- Very good
- Continuous training to move forward
- Rest is ok
- Everything is all right
- It is good
- Satisfactory, thank you.
- Is adequate
- This should be continued to other officers and donors, INGOs

Appendix 4. Sample Lessons Learned

The following list of lessons learned was generated to be submitted to participants by email after the workshop. This reinforcement will be followed by others on roughly a quarterly basis.

NEGOTIATING HEALTH DEVELOPMENT LEARNING POINTS/LESSONS

1. PREPARATION BEFORE NEGOTIATION

- plan and prepare more
- examine interests
- explore and create options
- practice asking the right questions
- anticipate their questions and practice answers
- see the other side's point of view
- get a better idea of their motivations
- identify your BATNA (Best Alternative To A Negotiated Agreement)
- identify their BATNA
- gather information and details to strengthen your BATNA and minimize theirs
- draw detailed party map—who talks to whom, decision-makers, relationships
- employ 7- Element framework—take time to work Big Sheet
- prepare, prepare, prepare

2. CONDUCT OF BEGINNING OF NEGOTIATION

- opening of the discussion is key, take initiative, establish agenda
- discuss process at outset and create agreement on process before negotiating
- try to establish good relationship or to reaffirm existing relationship
- don't be adversarial up front, try to find common ground
- listen actively—what are they saying, what do they want
- don't rush through early steps—build relationship and communication
- be patient, don't commit
- ask open-ended questions, encourage them to talk
- listen carefully

3. CONDUCT DURING NEGOTIATION

- refer to notes, Big Sheet preparation, and 7- Element card
- retain balance and composure—stay purposive toward goal
- take your time, don't rush, take break if needed to regain balance
- listen actively to what they say and what they want
- listen fully before reacting to their issues and concerns
- discern their interests, alternatives and motivations
- ask questions, reframe and ask in different ways
- be careful not to commit or “agree” early or when not intended
- identify as best as possible what your and their top interests are
- get many options on the table and explore together thoroughly
- assess each of their statements and arguments within 7- Element structure
- do not let them rush you ahead, or jump around the structure

- employ different structures for changing positional behavior
- when discussing options, stay on broad talk of options before commitments

4. CONCLUDING THE NEGOTIATION

- don't rush to conclusion
- proceed purposively and deliberately, working together
- analyze and re-analyze your options with other side before committing
- analyze and re-analyze your mutual walk-aways before committing
- increase your BATNA, minimize theirs
- commit with care and precision, and only after thorough process above
- begin to frame draft agreement, or agreement points
- consider implementation issues and clarify language and ambiguities
- discuss and agree on next steps
- set timetable for follow-up action, drafting, signing
- check to ensure agreement exceeds BATNA
- ensure agreement achieves good outcome for you and acceptable outcome for them

5. REVIEW FOLLOWING NEGOTIATION

- develop standard practice of reviewing all negotiations
- debrief negotiations, whether successful or unsuccessful
- what worked well and why?
- what might you do differently and why?
- what surprises occurred during negotiation and why?
- use the 7- Element vocabulary and process to structure your debrief

Appendix 5. About CMPartners

CMPartners advances organizational and individual capacity to negotiate and manage conflict and critical relationships. We work in close and long-term partnership with our clients, acting as an advisor and building capacity in negotiation, conflict management, communication, and leadership skills and the management of strategic external and internal relationships. We bring to our clients pragmatic methods, tools and skill sets developed at the Harvard Negotiation Project, affiliated organizations, and in our many decades of combined experience in training, consulting, advisory and executive coaching practice.

We focus on clients and organizations that are genuinely committed to pursuit of sustainable organizational and/or individual change, with whom we can work in close partnership to design, conduct and reinforce tailored programs to maximize the opportunity for success and durable results. Our professionals and support staff share a common passion - to provide the very best services to these select clients with focus, responsiveness, professionalism and integrity.