



GFRSS
GLOBAL FOOD REGULATORY
SCIENCE SOCIETY

foodregsci



INTRODUCTION TO NEGOTIATION APPROACHES AND APPLICATION TO THE CODEX ENVIRONMENT

Objectives

Review of negotiation approaches and their applicability to the Codex environment

Identification of key behavioral attributes and approaches for successful negotiations



Negotiate

❑ To try to make or change an agreement by talking about it.

Compromise

❑ The act of agreeing to something that is not exactly what you want in order to end an argument or solve a problem.

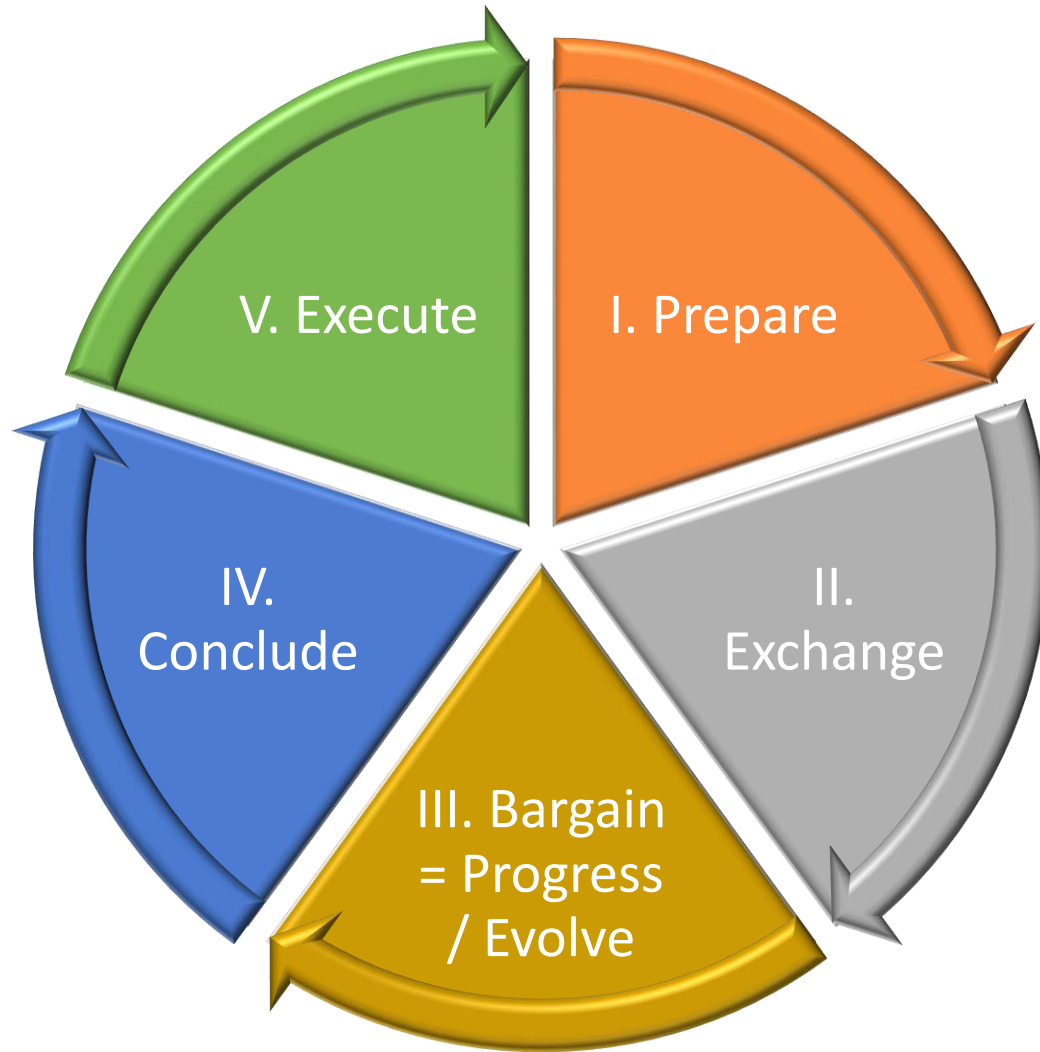


Consensus

❑ A generally accepted opinion or decision among a group of people.

**Extracted from Online Cambridge Dictionary*

Proposed Steps of Negotiation



A cyclical approach as highest proportion of negotiations (60%) rarely conclude following first round

Step I. Prepare

Confirm need to negotiate.

Ascertain position:

- Where are we?
- Where do we need to go?

Attempt not to set red lines – rather positions should be documented based on consequences / impact.



□ Gather data

- Your position, your arguments, your support information, your facts, etc.
- Other positions – rationales as they appear.
- Third party positions – rationale / data / information.
- Know your environment:
 - Your support, your detractors, your stakeholders in general.
- Prepare for the relationship(s) you need to build.
- Develop probes to discover your “don’t knows” and test assumptions.



Step II. Information Exchange

□ Step favouring dialogue and engaging with the other side:

- Share information, explore options that address interest(s):
 - What both parties need, as opposed to positions.

- **POSITION** \neq **INTEREST**
Expression of interest at a point in time or juncture *Driver / Motivation*



Advice / Tips

- ❑ Active listening... more than talking.
- ❑ Fact-based discussion.
- ❑ Assess situation:
 - How open is the other side?
 - How credible?
 - How competent?
 - Likelihood of alignment of interests?
- ❑ This step may lead to a “no go decision” in pursuing the negotiation:
 - Implement BATNA – Best Alternative to a Negotiated Agreement.



Unpacking Negotiation Cycle (5)

Step III. Bargain / Progress / Evolve

This is the step of “give and take”.

*Aiming to satisfy the “Common Interest”
by making positions evolve to achieve
“win-win” scenarios.*

Enablers  *Behavioural skills
Communication skills*



TO BE TRUSTED, YOU MUST BE GENEROUS

Step IV. Conclude

- ❑ Agreement is reached on next steps.
- ❑ Either through achieving the common interest OR through continuing the dialogue.
 - Preparing for the next round of negotiations – reinitiate the cycle.

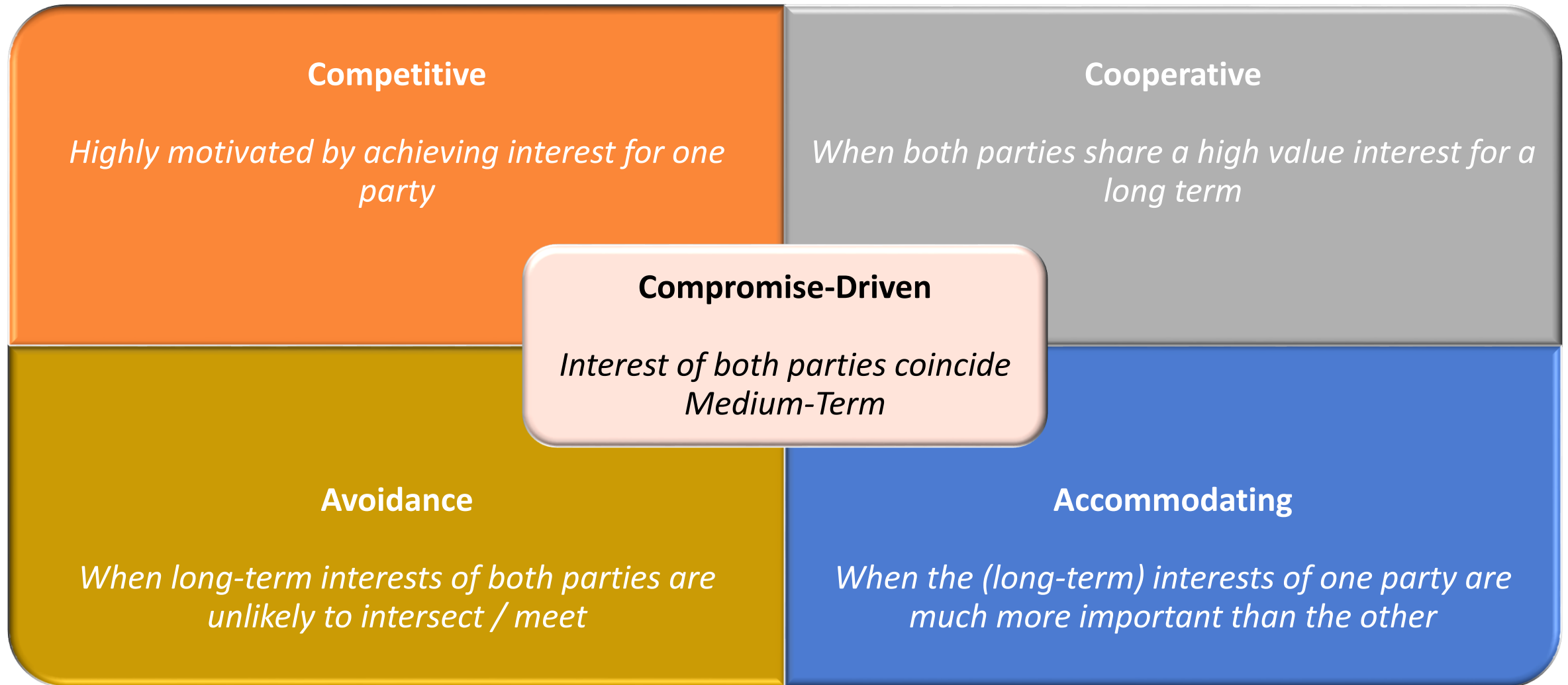


Step V. Execute

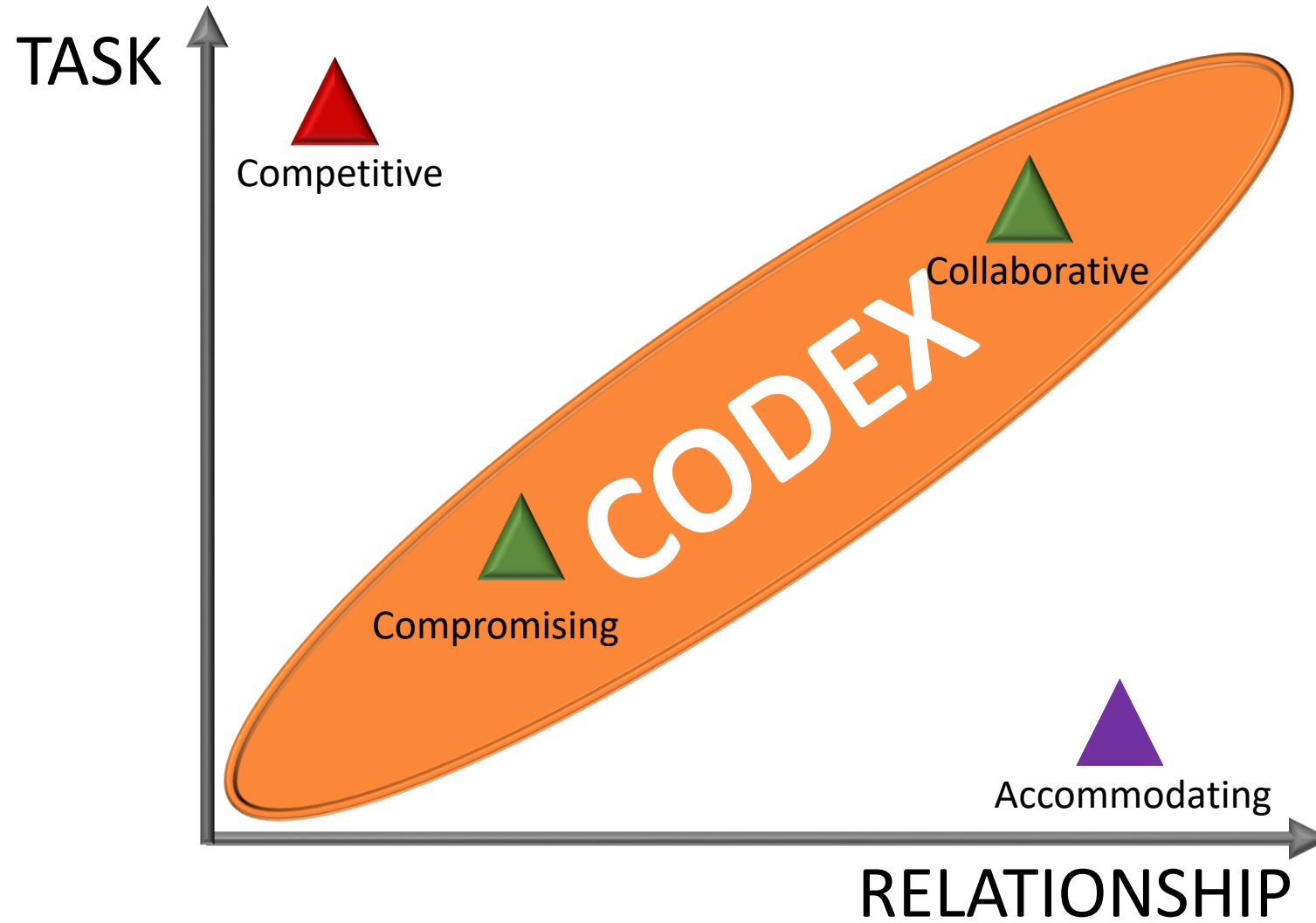
- ❑ Implement output of the agreement.
- ❑ Prepare for next negotiation opportunity.



Type of Negotiator



Type of Negotiator (2)



Why Codex Negotiation Should be Specific

Codex = Common Values

- ❑ Organization's objectives are broader and higher than each member's own interest.
- ❑ Integrity of Codex standard setting process must be protected:
 - Countries with no interest – in a standard / text – support CONSENSUS.



Consensus ≠ Unanimity

Measures of success:

Codex principles / values are upheld.

Members – in particular, developing countries – find the outputs useful – i.e. address their food standard setting needs.



Guiding Principles

- The interests of the organization supersede a member's own interest.
- Uphold the organization's value-addition and importance for developing countries.
- Preserve the scientific foundation of Codex standards.
- Ensure Global representation of considerations for risk management.



Tools

☐ Facilitated discussions:

- Small groups facilitated by chair(s), Codex secretariat.
- Intervention of third countries.

☐ Friends of the Chair process:

- Support to chair by parties in opposition and third countries.



Measures to Facilitate Consensus

Taken from the Procedural Manual – 27th edition, 2019

Mesures Destinées à Faciliter le Consensus

Extrait du Manuel de Procédures – 27^{ème} édition 2019

The Codex Alimentarius Commission, desiring that every effort should be made to reach agreement on the adoption or amendment of standards by consensus, recommends the following measures to facilitate consensus:

La Commission du Codex Alimentarius, souhaitant que tous les efforts possibles soient déployés pour parvenir à un accord sur l'adoption ou l'amendement des normes par consensus, recommande les mesures ci-après pour faciliter le consensus :

Refraining from submitting proposals in the step process where the scientific basis is not well established on current data and, where necessary, carry out further studies in order to clarify controversial issues;

S'abstenir de soumettre des propositions pendant les étapes du processus lorsque les fondements scientifiques ne sont pas étayés solidement par des données actuelles et, si nécessaire, réaliser d'autres études afin de clarifier les questions controversées;

Providing for thorough discussions and documentation of the issues at meetings of the committees concerned;

Prévoir des discussions approfondies et une documentation détaillée sur les questions abordées dans les réunions des comités concernés;

Organizing informal meetings of the parties concerned where disagreements arise, provided that the objectives of any such meetings are clearly defined by the Committee concerned and that participation is open to all interested delegations and observers in order to preserve transparency;

En cas de désaccords, organiser des réunions informelles des parties intéressées sous réserve que les objectifs de ces réunions soient clairement définis par le comité concerné et que la participation soit ouverte à toutes les délégations et à tous les observateurs intéressés afin de préserver la transparence;

Redefining, where possible, the scope of the subject matter being considered for the elaboration of standards in order to cut out issues on which consensus could not be reached;

Redéfinir, si possible, la portée du sujet traité pour l'élaboration des normes afin de supprimer les questions ne pouvant faire l'objet d'un consensus;

Providing that matters are not progressed from step to step until all relevant concerns are taken into account and adequate compromises worked out;

S'assurer que les questions examinées ne passent à l'étape suivante que lorsque tous les problèmes ont été abordés et ont abouti à des compromis satisfaisants;

Emphasizing to Committees and their Chairpersons that matters should not be passed on to the Commission until such time as consensus has been achieved at the technical level;

Insister auprès des comités et de leurs présidents pour que les questions ne soient pas transmises à la Commission tant qu'un consensus ne s'est dégagé au niveau technique;

Facilitating the increased involvement and participation of developing countries.

Faciliter un accroissement de l'implication et la participation des pays en développement.



