



Muntu Meets Mencius:
Can Ancient Principles Guide Modern
Negotiations on the Export of Africa's Natural
Resources to China?

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Editors' Note: Discussions of negotiating relationships across cultures tend to start with the assumption that one of the cultures will be American, or at least European. In this chapter, Bernard and then Mitchell start with a completely different environment: the rapidly expanding relationships, commercial and otherwise, between China and sub-Saharan Africa. They find much of the negotiating pattern, unfortunately, to be anything but sensitive to the real cultural and economic needs, particularly of Africa. Bernard's text proposes, and Mitchell's commentary assesses, a possible shift based on teaching negotiators in key settings some shared cultural elements, represented by similar proverbs in Chinese culture and a wide variety of African cultures. The authors also discuss some differences that may be an enduring source of trouble.

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“Those who sacrifice their conscience to ambition
burn a painting to obtain ashes.” – Chinese Proverb

“Who digs the well should not be refused water.” –
Swahii Swahili(Kenya) Proverb

Introduction

Beyond Game Theory to Geopolitical Reality and the Morality of Alternative Dispute Resolution Training Models

Once upon a time, the West saw China as a sleeping dragon. The dragon has now awakened, with a voracious appetite for the raw materials needed to build the world’s leading economy. The modern People’s Republic of China consumes vast and ever-increasing quantities of oil, timber, minerals, ore – even arable land to grow food for China. The nations of Black Africa, generally south of the Sahara Desert (known as Sub-Saharan Africa or “SSA”) possess in abundance the natural resources China requires. China is, in fact, now Africa’s largest trading partner.

Trade agreements between China and SSA nations have been in place for many years. But SSA nations are beginning to ask whether they should sell; and if so, on what terms? As many reputable observers from SSA frame the problem: “China is undermining the lessons” African nations have learned about “the importance of transparency, social justice and environmental sustainability” (Lemos and Ribiero 2007: 64). Extraction contracts all too frequently shore up African governments and elites with funds used not to improve the lives of the populace generally, but rather to “avoid local and international pressure to clean up corruption” (Ibid).

More pointedly: At the 2009 conference of the African Union’s New Partnership for Africa’s Development (“NEPAD”) China signed an agreement to abide by the environmental laws of SSA nations where they operate. Are these principles migrating from the public signing ceremony into private negotiations? Or do they remain inchoate? If so, how can we bring them from theory into practice?

Challenging as they may seem, these issues are only the ones more easily tracked and catalogued by scholars and the media. What is rarely given due attention is the less visible but even more important dynamic: that to the indigenous people who live in and around the subject land, the extraction process itself is an abomination, in the harshest theological and social sense of the word.

To understand how this deeply held belief can impact a negotiation’s success, consider the following, which a translation will not or cannot adequately convey. The earth of Africa is sacred; so much

so that when the oil-producing region of Nigeria is poisoned by that oil, the languages of the indigenous people make a direct connection between harm to the land and harm to the soul of the people. Among the Ogoni ethnic group, one word for “land” is *ogoni*. Among the Igbo (the tribe of my family heritage), one word for “land” – *ala* – is the same as for the Divine Feminine, the embodiment of God as mother to the tribe, the source of all sustenance.

Under most first generation negotiation models, the issues identified above might be “off the table.” Western-oriented negotiation models rarely pursue law, ethics, identity and surely not the metaphysical. The standard commercial negotiation’s prime directive has been to reach an agreement at least minimally acceptable to the parties inside the room, on whatever terms. What happened outside the closed doors did not concern the negotiators.

For second generation negotiators, the scope is broader, the questions are deeper. The approach, therefore, is substantially different. This chapter describes a more Afro-centric and Sino-centric approach that holds promise for creating arrangements with “embedded sustainability” – derived from awareness of cultural dynamics now often shunted to the sidelines. This approach changes the role of the negotiator, requiring reconsideration of the philosophy, methods and morality of standard commercial negotiations and negotiation training.

Lifting the “Curse” from Africa’s Resource Wealth

Among some sectors of SSA, current distrust of natural resource contracts carries a residue of negative associations from an earlier era when the International Monetary Fund (“IMF”) funded vast infrastructure projects with often dubious outcomes. True or not, the common perception was that foreign investments propped up abusive rulers in the 1990s, such as Kenya’s Daniel Arap Moi. The press bluntly encapsulated this bitterness in a headline: “Welcome to Kenya, the IMF’s little colony” (Smith 2008: 35).

This chapter offers second generation negotiators approaches that may facilitate the formation of resource contracts aligned with the pragmatic idealism of the current “African renaissance.” This approach acknowledges traditions that undergird SSA societies, while not becoming mired in superstition that has held back progress. At the same time, this approach does not enshrine Western models as the ultimate sign of modernity. Just as Africa’s energetic emerging professional and middle class – known as the “Cheetahs” – has found a balance that embraces African tradition along with Western knowledge, this chapter proposes a way to negotiate that incorporates principles from both worlds.

For successful implementation, the African Cheetahs must find Chinese counterparts. I have written this chapter with an eye to such individuals who might come from the People's Republic of China itself. However, better prospects might be found among the expanding network of Chinese and ethnic Chinese already living in Africa, particularly those engaged in cultural outreach to neighboring African communities. The Confucius Institute in Kigali, Rwanda offers an example (though note Stephanie's reservations below concerning some other Confucius Institutes).

With appropriate support and training, second generation negotiators might understand that below the surface level, stakeholders may harbor concerns that cannot be monetized or lightly bargained away. Concerns of communities impacted by the mining, logging, or drilling of resources are shaped by norms that highly value interrelationships, mutual support, and a sacred connection with the land. When extractive industries shred the social fabric of communities, anxieties can emerge as fears of witchcraft, and/or as political violence aimed at competing communities, resident Chinese, foreign businesses, or government leaders seen as supporting the degradation of land and of people.

Why do feelings of frustration or anxiety among SSA villagers matter when negotiating a contract of resource extraction? Because as Joseph Folger and Robert Baruch Bush have explained: "there are facts in the feelings" (1996: 271). Among some Kenyans feelings that the IMF enabled Moi's harsh regime became fact. That "fact" became articulated as a "widespread view that the World Bank and the IMF were false fronts for the transnational corporation known as the Satanic Church . . . dedicated to undermining national economies" (Smith 2008: 35).

In the past decade, the World Bank has made great strides toward changing such passionately negative perceptions. The International Finance Corporation's ("IFC") Office of the Compliance Advisor ("CAO") for a decade has provided mediation and ombudsman services to reduce and resolve societal stress engendered by oil, gas, mining and agribusiness. Both CAO and the World Bank's Extractive Industries Transparency Initiative ("EITI") promote a "participative multistakeholder approach" where local communities and extractive industries "are actively involved in governing the process" (Casparly and Seiler 2011: 2).¹

The next stage in the evolution of extractive resource contracts must bring stakeholder input at the earliest stages of negotiation, not after contracts have largely been completed and implemented. Furthermore, the processes for dialogue need to adopt paradigms that

connect to the cultures of the indigenous peoples who bear the greatest burden of Africa's "resource curse."

This chapter presents an approach to negotiation that is structured around themes drawn from ancient traditions of African and Chinese cultures. These themes have the capacity to transcend resistance to Western-oriented legal codes and governance standards – while still honoring the underlying purposes of those laws and standards. The time is right for such changes, because initial enthusiasm that Sino-SSA partnerships could develop a distinctive non-Western modern future has, in many places, yielded to caution. In particular, civil societies that have sacrificed much to bring democracy and human rights to SSA voice concerns that deals struck behind closed doors bring gains only to African elites, while "the African poor may suffer as a result of job losses, greater corruption, and political repression" (Obiorah, Kew, and Tanko 2008: 292).

The record of "wins" and "losses" is not linear; it varies up and down, among nations and sub-regions within nations. One constant remains, however: not only are conditions for resource extraction vital for the internal politics and social stability of SSA nations; but unrest threatens maritime transport of energy and raw materials in both East and West Africa (Huang 2008: 308). Perceived repression can breed armed resistance, resulting in asymmetrical guerrilla warfare, riots, work stoppages, and coups d'état.

Indeed, the overarching framework for these negotiations may bear closer resemblance to "conceptual planning" by the military than to standard commercial deal-making. (See Lira and Parish, *Making it up as You Go*; Docherty and Lira, *Adapting to the Adaptive*, in this volume.) These negotiations require constantly evolving awareness of socio-political factors. In SSA, negotiations for extractive industries have historically been forged in the presence of the ultimate leverage in bargaining: armed force, situated in the foreground or background. Such life and death power exists not only in national and local police who use the criminal justice system to stifle opposing voices, but also in formal military and informal militia; private "security" forces; child soldiers, both "active duty" and "veterans still addicted to the Kalashnikov lifestyle" (Meredith 2011: 358); organized street gangs; broad, relatively spontaneous communal violence; and targeted attacks (typically machete or arson) summoned for political ends (Meredith 2009: 580-585). Add to this negotiation context a persistent pattern of assaults, kidnappings, arson and murders targeted against foreign companies and their personnel. Lately, kidnappings have "gone local" in the Niger Delta, killing African employees of

African banks, and attacking and holding hostage innocent children and elders of elected African officials (Najibo and Nwiline 2009: 86-89).

For negotiators of resource extraction agreements, the stakes for the stakeholders could not be higher.

“Muntu” and “Mencius” as Symbolic Language

I have, perhaps brashly, synthesized the ancient and diverse civilizations of SSA and China, by using the titles *“Muntu”* and *“Mencius”* as icons, or symbols of much larger philosophical concepts. I apologize to these great traditions for encapsulating their grandeur this way. The terms serve as markers for rivers of learning and living that stretch back millennia; they are gathered together here only in summary form, and as conceptual tools.

In the West, the term *muntu* may largely be familiar only to scholars of primal religions, African philosophy, culture and social anthropology. The Kenyan theologian John S. Mbiti has produced the most in-depth exegesis on the hierarchy of traditional African cosmology and its ordering of heaven and earth, life and the afterlife. His complex deconstruction of *muntu* could be simplified as: “The principle of cosmic unity . . . a holistic conception of life . . . [which] entails a connection between God, ancestors, animals, plants and inanimate objects, and everything that is created” (Mbiti 1991: 38).

Because *muntu* is pre-eminent it is always a factor – especially regarding the removal and harvesting of Africa’s natural resources; directing the energies of Africa’s people; and all acts that destroy or disrupt the ecological balance. Commercial negotiators may not be accustomed to thinking of their work within a context of sacredness; but the results of their work can indeed be perceived as sacrilege.

Need multinational corporations be concerned with such matters? Insofar as blindness to these issues affects levels of productivity, stability in the supply chain and long-term profits – yes, it matters, even in the most restrictive interpretation of a multinational corporation’s role in the world.

Consider the fundamental misalignment between the traditional African understanding of work and the standard view under Western capitalism. Because:

- 1) All being is an expression of *muntu*; and
- 2) The individual exists as a part of the energy of their family and community; and
- 3) The value of one’s life is measured by the generosity and quality of energy – life force – shared with one’s family and community; then

- 4) Work has value as an expression of community solidarity; not merely as a way for an individual to make money.

Before I dig deeper into this bedrock concept, exploring how it might shift the entire conceptualization of resource extraction projects, let me offer one way this understanding of *muntu* can be incorporated into negotiations. Traditionally, work provides occasions to strengthen the bonds of family and friendship. Thus, labor was imbued with a rich heritage of songs for mutual support. At lunch, workers rested with their family members, eating home-cooked food. These practices did not decrease productivity, but rather increased it; for the social context conferred dignity on the back-breaking labor. Reviving some of these traditional ways of working may also return a sense of personhood. When that has been stripped away, when humans become – in commonly used terminology – “animals,” humanity will resist and find expression through violence within the workplace (e.g., the Konkola copper mine riots – see, e.g., Reuters 2009) or increased assaults against individual Chinese (a rising tide in cities in South Africa and Zambia).

This is, obviously, a very non-Western perspective; but one worth acknowledging, at least among multinational corporations seeking access to the natural wealth of Sub-Saharan Africa.

Refining Terminology: Why *Muntu*?

Southern African ethicists have often argued for the use of *ubuntu* when discussing emerging norms for corporate social responsibility, particularly in reference to Africa. *Ubuntu* can be seen as a more readily accessible interpretation of the higher concept *muntu*. In some contexts, *ubuntu* translates the ineffable, transcendent *muntu* into understandable social norms that reinforce the bonds of the life force among community members.

I have chosen to use the more expansive term *muntu* to skirt some of the politically charged connotations that emerged when *ubuntu* was cited as a key rationale for the South African Truth and Reconciliation Commission (TRC). While the TRC is highly regarded by most Westerners, it is not without controversy within South Africa. The troubling question was whether the communal values of *ubuntu* – reconciliation – were placed above the need for truth (Richardson 2008).

Similar preferences underlay the decision not to employ the term *harambee*, meaning “coming together” or “togetherness.” In many places – both in Africa (particularly Tanzania) and in America during the Black Power era – *harambee* entered the dialectic of socialist revolution, nationalization of foreign investments and redistribution

of wealth. Whether accurate or not, again, the connotations may lead in directions not intended for this particular analysis.

By invoking *muntu*, I seek to rise above heavily laden political discourse that already has a momentum and political dialectic all its own. Yes, *muntu* has many nuanced, subtle translations. Nevertheless, it remains a fairly consistent and widely shared worldview among black Africans both on the continent and in the diaspora. Concepts that transcend temporal politics may have greater likelihood of connecting with other cultures, especially if, as in China, there is a similar sense of transcendent life force, which finds expression in duties to the family and community.²

Mencius as Symbol of Syncretic Chinese Philosophy

The reasons just stated might seem somewhat out of step with the choice of “Mencius” as an icon to represent a traditional Chinese worldview. Remembering that the objective is to find shared principles and common ground, I do not purport to seek nor achieve parity in positions. Instead, I look for underlying interests where Sino-SSA negotiators may find overlapping principles on which they can build greater trust and more durable business arrangements. In this approach, I ask the reader to look beyond Master Mencius, the philosopher and sage, and a successor to Confucius (Kongzi). I refer to Mencius as the symbol of a syncretic Neo-Confucian tradition which assimilated aspects of Buddhism and Taoism, and which continues to adapt to “changing circumstances and times.”

As with *muntu* in SSA, the age-old customs deriving from the teachings of Mencius may have much greater power among contemporary Chinese folk culture, usually in rural areas; much less among the sophisticates of Shanghai or Beijing. But where these folk traditions retain deep roots, they serve many functions analogous to the vitality of SSA folk customs: the weakness of civil society and governmental structures make reliance upon the extended network of family a necessity. Those bonds are reinforced by reference to ancient – not modern – beliefs.

As General Sun Yat-Sen described the spiritual rationale for the 1911 Chinese Revolution: “Our three *min* principles [nationalization, citizen rights and the welfare of human beings] originate from Mencius . . . Mencius is really the ancestor of our democratic ideas” (Jacques 2009: 219). The concept of the Mandate of Heaven provided that if the emperor failed to rule the nation in a “virtuous and benign way” according to the ethical guidelines for conduct, the people had the right to rebel. This philosophy of mutual duties, with some reciprocity, permeated the concept of traditional Chinese hierarchy in its

ideal form. Prosperity depended upon mutuality, support of and for the community, and most of all – upon the family.

The parallels to SSA social construction and cosmology offer a substantial base to build precepts of corporate social responsibility deriving from principles that pre-date modern Western civilization.

In the contemporary revival of Neo-Confucianism as a model for global business ethics, one may find more references to Mencius than to the founder of Confucianism. This movement plays a role in China's ever-increasing "soft power" "charm offensive" (Kurlantzick 2007). Traditional Confucianism long ago ossified into social principles that left little room for modern sensibilities of mutuality, equality, fairness or compassion. The writings of Mencius, on the other hand, do; for Mencius significantly loosens the tight restraints of Confucian norms that seemed often to conflate harmony and honor, even when they might be at odds with each other.

Nevertheless, the idea of Confucianism – particularly its latter modifications following the softening, humanizing interpretations and additions by Mencius – evolved into conventions that bound together the diverse peoples and distant provinces of China. The *spirit* behind the customs – an ineffable sense of how the cosmos fits together and man's role in that energetic order – surpassed the *letter* that codified the custom. It is that spirit which communicates through the modern Confucius Institutes (at least sometimes, when they are at their best); which influences Westerners sometimes to view China with more optimism than some Chinese; and which overlaps just enough with traditional African worldviews to make viable the negotiation approach I propose.

Rhetorical Style, in This Writing and in the Negotiation Approach

This chapter does not purport to have all the answers. I seek merely to add threads to on-going, difficult conversations. Some of those conversations utilize the insightful rhetoric of proverbs, quotations and a storytelling approach widely known and used in Africa and China. Examples of this communication style are woven throughout the discussion that follows, partly as scholarly reference points and partly as examples of pedagogy that can be used in second generation training. Since 2000, I have used indigenous proverbs, parables, riddles and stories as primary teaching methods in alternative dispute resolution (ADR) training workshops in Africa. The effectiveness of this approach is that it brings into modern contexts aspects of the oral traditions that are a source of pride in SSA cultures. Moreover, this rhetoric serves vital purposes in business discourse, as demonstrated in the section that follows.

Why should Western-oriented business people and negotiators care about proverbs? Because some degree of ambiguity is often necessary in order to reach agreement; yet, at the same time, there must be enough clarity that all involved understand that there has been the necessary “meeting of the minds” (Honeyman 2006: 404). Proverbs allow the speaker to address “awkward home truths” in an indirect way that allows probing or boundary-setting “with a minimum of embarrassment.” Thus, it is said, “when truth is missing, proverbs are used to uncover it.” They are “horses for solving problems.” Indeed, among the Yoruba (Nigeria) it is said: “He who knows proverbs can settle disputes.”

Can these communication methods work if all parties in the dispute resolution – or dispute prevention – process do not share the same cultural context? I suggest a qualified “yes.” Rhetorical methods can indeed reveal common ground. Yet if the areas of overlap are illusory, the agreements will not last. I have sought to capture the essence – although not the details – of ancient traditions from China and from Africa, overlaying fundamental values to show how parties can embed sustainability into their operations.

Looking from the broader framework, more must be considered before considering how to meet the spirit, if not the letter, of EITI principles. The Chinese and African companies must elect to negotiate contracts that serve the broader public interest. I believe the rationale must be some version of the concept that it is in the multinational corporation’s best interest to seek prosperity to many and stability to all. For that to occur, corporate cultures must shift their orientation concerning short-term versus long-term profits. This change begins in the boardroom and moves downward throughout the business organization (see IFC 2011). Only then will delegates of the companies have the authority and incentive to negotiate using anything other than standard bargaining tactics, which have often sown the seeds of widespread conflict.

Negotiating Corporate Social Responsibility in a Profit-Driven World

If Your Majesty says, “How can I profit my state?” the Chief Counselors will say, “How can I profit my clan?” and the nobles and commoners will say, “How can I profit my self?” Superiors and subordinates will seize profit from each other, and the state will be endangered.” Mencius (Mengzi)

The above quote from Mencius is the primary reference point for the modern neo-Confucianism movement in Chinese business ethics. This passage confused contemporary rulers in the fourth century B.C.E. It continues to puzzle us today. The paradox was explained later in the dialogues: “if one is single-mindedly focused on profit, then it leads to harm.” On the other hand, if there is compassion or sympathy for others, “then one will not seek profit, but one will never fail to profit” (Van Norden 2008: 2).

This approach to commercial transactions is not a stranger in the West, nor in Africa (see generally, Love and Singh, *Following the Golden Rule*, in this volume). It could be denominated as Quaker Capitalism or Islamic business ethics (see Bernard 2010; but see also Rose 2006.) Its ripples are seen in current efforts to bring accountability and integrity to corporate governance. But it simply is not widely espoused in standard commercial negotiation training.

For the sake of clarity, consider the following fundamental and widely shared assumption: if the delegate for a multinational company entered negotiations with a foreign entity on the stated rationale of “benevolence,” surely the other side would see this as a sign of fatal weakness, and seize upon it to manipulate all terms to their benefit, and to the detriment of the company which sees itself as “benevolent.”

Is this cynical, or merely realistic? Indeed, does this describe realpolitik in action at the bargaining table? Probably. However, that is not the end of the analysis. For a second generation approach does not ignore the hard realities of the world. Instead, this approach embraces those difficulties as the only way to develop a long-term business plan that is sustainable and self-enforcing.

The initial steps may sound similar to standard negotiations. It is the ambiguity of the situation, including the elusive but central dynamic of identity, that makes the process challenging. The realpolitik of these negotiations requires us to identify:

- 1) who the parties are in fact;
- 2) their authority to represent the interests of stakeholders not at the table; and
- 3) the negotiators’ “bandwidth” of discretion to engage in problem-solving and long-term business planning (see IFC 2011; Honeyman et al. 2007).

That being said, the success of a relationship approach versus a pure profit approach hinges upon the policies and perspectives of the companies’ leadership. A negotiator trained in second generation methods is unlikely to have an opportunity to apply them unless their business’s hierarchy concurs in the goals and methods. (See Matsuura

et al., *Beyond "Negotiation 2.0,"* in this volume.) This is especially true when the "wicked problems" embedded in the commercial deal implicate issues of corporate social responsibility regarding the environment, human rights and transparency.

To address such issues in a meaningful, lasting manner the governing body of each company in the negotiations must evidence some level of commitment to such values. That commitment must be explicit and institutionalized, from the top down. Company delegates sent to bargain must know that a long-term strategy designed to produce stable, self-enforcing arrangements is not only acceptable; indeed, it will be viewed favorably.

Ostensibly, this should not be difficult for some SSA nations, like South Africa, which has enshrined in its constitution *ubuntu*, the principle of compassion and justice. Another translation of *ubuntu* is "humanness" – one of the great Confucian virtues ("*ren*") elaborated upon by Mencius, also called "benevolence" (Haegert 2000). Nevertheless, neither *ubuntu* nor *ren* has a predetermined place in the corporate ledger that calculates profit, loss, and share value. Arguably, negotiating according to these virtues could even bring into question the soundness of company management.

Hence, this approach urges the inclusion of educational workshops with corporate directors and officers before or in tandem with training workshops for negotiators. This approach to resource contracts will undoubtedly require (and with luck inspire) a change in corporate culture. Particularly since most organizations fear change, rather than embracing it, the in-house preparation for negotiation should provide additional workshops, demonstrations and informal events that reach from the top of corporate governance structures throughout the rest of company operations. This can include hospitality and entertainment, showcasing music, art and history in ways that allow indirect, non-pedantic learning – laying the groundwork to support change. Again, Confucian Institutes already established in SSA nations should provide vital support for this expanded version of Chinese commercial negotiation. Both Chinese and African business people routinely engage in such socializing in order to assess the degree of trust to be accorded in the business relationship. As the Ambede of Gabon and Congo say: "If you want to lean on a tree, first make sure it can hold you." Sino-SSA negotiators seek to evaluate their potential partner's integrity and capacity before committing to a contract. This echoes the advice of the Mandingo proverb: "Before killing the chicken [to serve as part of hospitality], carefully observe the character of your guest."

I suggest that these occasions can also teach and thereby influence change in an organization's culture – without explicit “teaching” (see Blanchot et al., *Education of Non-Students*, in this volume). A multinational corporation may find merit in extending the scope of these informal learning opportunities to include supervisors and officers not directly engaged in the negotiations or operation of the prospective venture. In fact, in some situations silent but essential stakeholders behind the scenes should also be included, to alleviate external pressures to maintain the “profits only” approach to negotiation of resource contracts.

Overcoming Internal Corporate Resistance

Both Chinese and SSA companies may encounter resistance among their internal and external constituencies. For some stakeholders, it may be sufficient to assimilate the Muslim proverb: “We will water the thorn for the sake of the rose.” That is to say, we will patiently wait for the returns on our investment. For others, the greater incentive for patience and long-term vision rests in the Ethiopian cautionary proverb: “To his hosts the incoming stranger first appeared like gold, then turned to silver, and eventually ended up as crude iron” (Ayele 1998). Still others may concur in the logic of the Ghanaian proverb: “If you collect peppers one by one, the plant grows well; but if you break the stem, it dies.”

In hierarchical Sino-SSA societies, this more than “single-focus-on-profit” philosophy needs the support of all key persons in the chain of authority. This is the first and most important step in making it possible for negotiators and business units to take the risk of pursuing the ancient ways of Mencius or *muntu*. For example, company delegates who reach agreements where resources are collected “one by one” rather than “breaking the stem” must be rewarded through compensation and career advancement.

Muntu and Mencius as Icons with Cross-Cultural Convergence

Readers of popular authors Chinua Achebe and Amy Tan have probably noticed similarities between African and Chinese cosmology. Their novels describe a primal world of emanate energy that fills a fluid existence and time. All being is a manifestation of *muntu* in Africa or the *Dao* in traditional Chinese religion. In both metaphysical systems, beings embody a meeting of biological life and spiritual life. While the biological life may cease, the spiritual life does not. Death does not end a human's existence; this occurs when the family no longer

remembers, honors or calls upon this ancestor. Ancestors exist in the spirit realm to watch over their loved ones and to serve as intercessors with the larger forces of the universe, gods and spirits.

For negotiators, this shared conceptualization of respect for elders and ancestors provides a common frame of reference for understanding ethical conduct. It provides a rational basis for focusing upon long-term, broadly distributed gains, where success is measured in terms of the legacy left behind. This more culturally-oriented rationale sets a vastly different trajectory for deal-making than using the measurement of quarterly profits.

Similarly, Sino-SSA negotiators may share a common understanding about the essentialism of family; that existence cut off from one's family is nearly incomprehensible. These values, again, can significantly impact the range of acceptable and understandable options, including the capacity to see certain components of the strategic plan by nearly standing in the shoes of the other party or stakeholders.

But sadly, both SSA nations and the Chinese also share a bloody history of internecine violence, much of it led by warlords of various descriptions. Cultural norms of close family connections can be a two-edged sword: it can bring protection, it can also create vulnerabilities.

The ultimate loss is to be cut off from one's family, to have no progeny, to have no one left to mourn or pray for you. This belief has implications for understanding some of the dynamics that infuse African politics with magic and mayhem. Dictators, "strong men," ambitious businessmen and athletic teams alike are reputed to use various forms of traditional religion, or magic, to enhance their power. Or, at any rate, the rituals of secret societies linked to sorcery and cannibalism are used to create and solidify a public image of invincibility. Tragically, there is a logic behind carnage that kills men, women, children, babes in arms, and elders. The purpose is to wipe out the entire family line, thus ending existence in this world and the next.

Mitigation for this darkness is found in the more prevalent message of honoring relationship, particularly by blood. This is not facile sentimentality. It reflects the nature of a world in which personal welfare depends more upon family than government. As the Umbundu (Congo) proverb states: "Relatives are a better defense than a fortress." As expressed often in this chapter, tradition requires the development of sharing energy, substance and opportunity with extended family and community. This is how one becomes fully human and worthy of veneration after death.

Can Negotiators Appeal to Traditional Ideals of Ethical Authority?

According to the pragmatic idealism championed in this negotiation approach, both parties to a negotiation over resource extraction would

be encouraged to remain alert for the way even a much-feared “strong man” prefers to be seen. Is it as a bloodthirsty hooligan? Or as a beneficent yet firm leader? Appeals to a self-image that leads in the direction of progress *are* possible. An example is given below.

Mencius applies this energetic ethic to leadership. His philosophy encourages disciplined, rational optimism about human nature. The “capacity for virtue is innate in humans, but it must be cultivated (“filled out”) in order for us to become fully virtuous” (Van Norden 2008: 47). When that capacity is cultivated in kings, so that they were “not unfeeling toward others,” they put into practice “governments that were not unfeeling toward others.” In this way, it is possible to bring “order to the whole world” (Ibid: 46).

To put it in the words of a Tumbuka proverb: “Authority is in generosity.” The challenge, then, is to move the negotiations toward principles of generosity toward the workforce and surrounding villages, *as a demonstration of traditional authority* in a modern world. This might be one of the highest iterations of the concept of “face” in either culture. (For more on the value to a commercial negotiator of engaging in more than token generosity, see Love and Singh, *Following the Golden Rule*, in this volume, and Chamoun and Hazlett 2009.)

The Strong Shares Power with the Weak – Why?

The approach suggested here moves the interests of the workers from the background to the foreground, to be negotiated with maximum feasible breadth and transparency. This concept may challenge the worldview of many Chinese and African elites, for the cultures socialize them to believe such deference is unnecessary. At this layer of the multi-tiered approach to negotiation, an Ethiopian proverb may address the “awkward home truth” at issue: “When the webs of the spider join, they can trap a lion.” While any single village or villager may seem insignificant, their combined power can turn the resource extraction contract to dust.

The most painful and persistent example of how a small number of determined, desperate people can stymie the plans of multinational corporations is found in the oil-producing region of Nigeria, the Niger Delta. For two decades teenagers under the guidance of a few adults have wrought havoc with drilling rigs and refineries, kidnapping and holding for ransom (foreign) employees of the companies. The bona fides of the money demands might be open to question. Are these merely acts of hooliganism? Or are they acts of revolutionary resistance? Do the funds companies pay benefit the communities, as the kidnappers claim? Or has what originated as asymmetrical warfare degenerated into mere banditry?

The same region can also provide an example of a less violent, and probably far more effective form of resistance. In the 1990s, instead of young males attacking oil company facilities with weapons, mothers and grandmothers demonstrated and ultimately seized control over an entire refinery, occupying it for days. Their “weapons” were the dignity with which they conducted themselves, stemming from the inherent authority of mothers and grandmothers in the tribal tradition. Local police attempted to rout the women, but failed when the women announced that they would engage in the ultimate act of shaming the men into better conduct: they threatened to take off their blouses and to bare their breasts in public. This was an honored, historical method used in demonstrations by market women that had helped turn the tide in the emancipation of Nigeria from British colonial rule.

These were small victories for the “weak” in a longer war against the “strong” as represented by multinational corporations. Of course, contemporary multinational corporations prefer to avoid even the perception of being at war with any segment of their market or supply chain. It is simply bad for business, especially in a global economy where an incident in one village in SSA can be broadcast through social media around the world, and in less than two hours, gather momentum and credibility as a bona fide news event – and within a seventy-two hour period, result in a drop in stock market value.

Even if disputes or disappointments cannot be wholly prevented, their impact can at least be mitigated if the multinational corporations have prepared the way by building trust in advance among affected stakeholders.

The Value of Contemporaneous Communication Beyond the Circle of Direct Parties

Keeping the local community informed and involved helps build trust and cooperation. Ideally, a habit of communication between the villagers and company representatives will enhance the capacity to control rumors and disaffection that can erupt in attacks against the foreign investors, their African associates, and the host government itself. A Mongo (Democratic Republic of Congo) proverb explains the dynamic well: “Roots do not know what a leaf has in mind.” Therefore, make sure the “roots” (the locals who must perform the work of resource extraction) and “leaves” (the companies and elites who benefit from the contract) stay in communication, even if their relative social status is unlikely to change.

The work begins with identifying village and clan leaders, both formal and informal. We follow the Akan (Ghana) proverb: “It is bet-

ter for a person to make friends first before he or she gets into trouble.”

This brings the discussion to a point where law and negotiation’s standard law-free (if not lawless) conventions might collide. It might be more useful to conceptualize this as a place where negotiators could explore various pre-litigation prevention strategies. Again, introducing these ideas into the negotiation will be greatly aided by use of the rhetoric of proverbs, storytelling and quotations. Consider the following: Nigerian environmental laws allow for the community to provide comments on resource agreements; but they do not provide for further participation. Nor do the laws provide for *contemporaneous* sharing of information, which is considered a hallmark of transparency. The locales ripe for resource extraction include areas critical not only for local economies but for the global ecology. The Niger Delta is often spoken of in terms of its oil-producing abundance. However, little comment is made – beyond the local inhabitants – that the Niger Delta is Africa’s largest consistent wetland, and the third largest wetland in the world. It is, thus, a critical source of habitat for aquatic life, and of water for farming and for drinking. Hence, the interest in and apprehensions of the people who live in the Delta have cause; their very existence is at risk.

Of course, the negotiating parties may determine it worthwhile to comply with the threshold mandates of the national laws. But, as many consensus-building efforts in America have discovered, when it comes to environmental damage – which is always reasonably foreseeable – it helps to engage likely victims well in advance. By bringing potentially affected communities in as participants, not merely commenters on the sidelines, companies can achieve a clearer understanding of how land, land use, waterways, water use, and social context interrelate. Informed stakeholders can contribute ideas usually far more efficiently and effectively than technical engineers alone, operating in a vacuum.

Must these community members be physically present in the negotiations? Not necessarily. If contemporaneous participation is not feasible, continual communication, albeit asynchronous, can achieve some of the same objectives. Low-tech and high-tech options abound: texting via mobile phone; announcements, news stories and interviews on the radio; and postings on the walls of community centers, to name a few.

In many settings, negotiations that include some of the above processes will help the “roots” to know what the “leaves” are planning. This buys for the extractive industries a modicum of trust, which is essential for future long-term success. Without trust, founded on

demonstrable cause, extractive industries may be fueling the development of much more vigorous enforcement of existing laws, and/or the watchdog non-governmental organizations (NGOs) eager to bring “naming and shaming” to bear, targeting the share value of companies unwilling to shoulder the burden of socially responsible self-governance.

Voluntary compliance can be achieved, I believe, through appeal to Sino-SSA traditions that honor work within the context of family, neighborhood and community. This is, as described earlier in this chapter, not merely a matter of money, but of virtue.

Commerce and Community

As in China, Black Africa holds as a central tenet the idea that cooperation, trust and mutual aid lead to great accomplishments. Working in harmony creates success for all. Consider:

“A village united in fraternity is prosperous” – Bayaka

“A single hand (of a person) cannot cover the sky” – Akan (Ghana)

“Wherever [a] Burundi [person] points a finger, a house is built [by his neighbors]” - Burundi

“Who mistrusts everybody is the real enemy of the village” – Nilotic (Sudan)

Thus, tradition extols the virtue and practice of bringing a community together in a business venture, to share in the work and the rewards. Compare this with an approach that arranges peoples’ lives without consultation or engagement, and without public, visible signs of respect.

Respect – preserving “face” – is an essential feature of both Chinese and African cultures. In many ways, the primary goal of negotiations with the local producers of a natural resource has respect – perceptions of fair treatment and justice – as its bottom line. This does not prohibit hard bargaining. Consider an Umbundu (Angola) compliment for a businessman, describing him as “a person of pleasant and agreeable appearance, but close and exacting, a driver of hard bargains.” Difference is acceptable; disrespect is not. As the Muslim proverb states: “Where there are poor, there are rich. But where there is justice, they are all brothers.” At a minimum, there must be the appearance of justice.

Further, in some way or another, parties must assure that the Kuria (Tanzania and Kenya) principle is followed: “You should never forget your neighbor when you invite people to the feast.” The challenge is to know which “neighbors” to invite. Consider first readily

identifiable, formal leaders designated by public institutions to wield authority. But also consider less easy to recognize – but often even more powerful – leaders who lead by influence of status, integrity and respect. The village chief, tribal elders and local government officials fall into the first category. The latter category includes leaders of secret societies, women’s groups within clans, and religious leaders (both mainstream and traditional).

Special mention should be made of another influence that can prove determinative: the area “strong man” or warlord. Particularly in regions where the institutions of civil justice and law enforcement are ineffectual, whoever can direct armed contingents of “guards,” “restive youths” or thugs holds the power of realpolitik. At such a person’s command, a wave of violence or individualized attacks can be unleashed – or quelled. Resource extraction ventures need their support, or at least their non-intervention.

Recognize, however, that engaging this particular element of the community brings its own special hazards. To quote the Bahunde (Democratic Republic of Congo) caution: “A knife does not recognize its owner.” That is to say, the same warlord who at one time seemed to support the venture may also turn against it, and against the people who brought the extraction work to the village. This may present the unseen tip of the ultimate “wicked problem.”

Tackling these complex interactions may demand of the negotiators fewer external, verbal skills and greater internal capacity and self-discipline. The companies may also confront tensions within their organizations, requiring sensitive leadership to support their negotiator teams. (See the discussion by Calvin Chrustie in Gadlin, Matz, and Chrustie, *Playing the Percentages in Wicked Problems*, in this volume.)

Peace in the Negotiator’s Heart and Peace in the Supply Chain Depend Upon Peace in the Negotiator’s Company

More than most commercial negotiations, SSA resource extraction agreements may benefit from an especially thoughtful selection of negotiators, looking to factors somewhat outside the ordinary. Ideally the multinational companies will identify similar special qualities among directors, officers and managers within their organization, so they can provide high-level support and guidance for the company’s delegates, in line with evolving corporate policies.

The chief quality sought is empathy. I refer here not to the externalities taught as part of active listening techniques. This is not a “charm offensive.” I speak of authentic empathy derived from shared experience, providing a solid rationale for SSA communities to trust that the companies do in fact hear and understand. The companies

who are negotiating need at least one person in the field and someone in the executive suite with a capacity for discernment and appreciation when confronted with profound ethnic, class and political tensions, since they can erupt into violence if these potentialities are glossed over or minimized. To be able to say one has been briefed on the community's history, or has studied it in school is a far – and insufficient – cry from being able to relate to the subjective experience, including the lack of that trust that is essential to maintain day-to-day operations once the agreement has been struck. (For other elements likely to be needed in a negotiator at this level, see Crampton and Tsur, *Negotiation Stands Alone*, in this volume.)

This may, in fact, be the most challenging factor in the entire negotiation approach presented here. For the very people within the Chinese corporation who may be most useful in these negotiations are likely the very people whom Han-dominated hierarchies have marginalized. The idea that an ethnic minority member from Southern China could be a worthy representative of the company calls for a true paradigm shift – a change in corporate culture starting at the top, and flowing throughout the organization.

The Chinese companies that choose this route to long-term success can expect a trajectory much like the initial experiences of American companies when they brought black Americans and women into the upper levels of management and into the board room. A change in corporate culture, where an ethnic minority member and/or woman – whether in China, Africa or America – becomes a respected, contributing member of the team does not occur due to government fiat. This change takes place because the corporation realizes that this person they may have long disdained can actually be the key to making money for their business. Period. Full stop.

Until recently, it was assumed that superficial analogies between the historically colonized Chinese and Africans would be sufficient to create shared perceptions and goals. As business ventures, Chinese investment, and immigration of Chinese workers have increased penetration into African societies and economies, it is becoming ever more clear that the basis for harmonious business relationships must emerge from something deeper. Multinational corporations that seek to thrive in the twenty-first century must secure a 360-degree view, which includes the view of the historically vanquished. This is how negotiators will understand not only what is said, but what is not said, within the indigenous communities who bear the burdens of the production process.

Relying largely or solely upon the assurances of African elites determined to benefit themselves at the expense of their country has

not proven to be a long-term recipe for success. Although China has, itself, a long history of preferring the “strong man” over the consensus-builder, recently Africa has shown a trend which suggests that contracts with an oligarchy – at the expense of the populace – have a negative prognosis. Despots fall, and seamy business deals fall with them. The experience of Samuel Doe and Charles Taylor in Liberia stand out as bitter examples, sweetened only by the recent implementation of EITI standards designed to assure disclosure, transparency, fairness and to protect human rights for workers.

Yet the “strong man” is a fact of life in many of the countries I am concerned with here. If he exists, he *will* be a factor. Candidly, outside negotiators will have much less impact on him than the constituencies he deals with day in and day out. Nevertheless, the African custom – like the Chinese – is to make the rounds of courtesy calls to receive the permission, even the blessing, of local personages whose cooperation affects the viability of a new venture.

How do you engage the man who pulls the strings above the stage? Is there any way to have dealings with such a person and retain your sense of morality, of the larger purpose of your work? This is a fraught question, but to avoid it is to avoid dealing with much of the real Africa – not to mention some other parts of our real world. My own answer may not be for everyone: it is both tentative and personal. It draws me toward the view that who the negotiator is makes a real difference, on a level that may persuade even the “strong man” to behave according to a deeper self-conception of who *he* is than his usual reputation would suggest.

Making a Courtesy Call on a Nigerian Strong Man

How does this part of the revised “job description” play out in commercial negotiations? Despite the need for shared experience between the negotiator(s), shared experience – standing alone – may not be enough. Empathy must be balanced with the capacity to step back from the situation and separate the negotiator’s past from the present. The role calls for some measure of personal, individual peace and reconciliation. I can offer a personal example, in a storytelling mode and in a style of negotiation training and commercial negotiations attuned to Sub-Saharan Africa.

My work in Nigeria has focused on the Niger Delta, the oil-producing region typically described in the media as “strife-torn.” It technically qualifies as “post-conflict” if one measures the “conflict” as the Biafra War (Nigerian Civil War) of the 1960s. The short-lived Biafra Confederation consisted of many tribal groups which anthropologists

might categorize as off-shoots of the dominant Igbo tribe. Britain and the multinational oil companies generally did not back the secessionist Biafra republic. Ultimately, long-standing tensions among the many ethnic groups that formed Biafra shattered the alliance. The western faction split and an embargo was instituted at Port Harcourt, resulting in the death by starvation of one million Igbos.

In the highlands of Jamaica, my grandfather's people were able to retain much of their tribal identity, unlike most Africans in the diaspora. We were River Igbo, and the deeper I traveled into Igboland along the Niger River, the more the residents looked like my blood relatives. Everywhere I could see the faces of my uncles, aunties, cousins. The person who looked like he could have been one of the two boys my grandmother had miscarried – if they had lived – turned out to be the local strong man.

He was an arms dealer, whose very name filled most people with dread, especially those from westward areas that had seceded. I, however, saw our host differently, in great part because of familiarity. His looks, the timbre of his voice, the accent, the intelligence and – yes, benevolence – of his gaze; they all resonated with positive associations.

My only (internal) question was: Did he sell arms only to one side in the civil war, or to both? For me, the answer mattered. David, my first husband, was a photojournalist behind the Biafran lines for the entire war who ultimately died due to after-effects of the starvation. Our living room mantel used to display a mortar shell that David kept from those days. I tried hard to remember the markings on the ordnance. Had the mortar come from the British arsenals, paid for by the oil companies? If not, then I might be looking at the man who had helped David come home, along with the former colonel who later drove a taxi cab in Washington, DC and was David's designated substitute just in case he was out of town when the baby came.

Such are the thoughts and feelings of one who was on the losing side of an ethnic conflict, when confronted with a person otherwise labeled as a warlord. Such is the reality behind the saying: "One man's terrorist is another man's freedom fighter."

What Value Does Empathy Derived from Shared Memory Add to Negotiations?

The specific purposes and results of the particular interaction above are beyond the scope of this chapter. But at this point we see a human connection at a deep, intuitive level which can move interactions to a new level of understanding. Yet this is not sufficient in and of itself. The negotiator must have enough skill and self-awareness to move beyond his/her own experience, and in turn through that next level of

problem-solving, by exercising detachment. This is the paradox. The more intense the memories that create the common ground – which may be essential to grasp the nuances of risk assessment and option-seeking – the more the negotiator may need to have moved past their personal pain towards reconciliation with the forces that caused their pain.

With the insights thus provided, a negotiator can see the person as something more than merely “the other.” He becomes a person who may be open to a variety of options to achieve “buy-in” – other than mere cash pay-offs or bribes. To the extent that a sense of protectiveness for his community remains alive, or that he feels national pride, or concern for his clan, negotiations can seek ways to nurture his stature as a patriarch by supporting the success of the resource extraction project.

Stature based upon perceived character, benevolence and pursuit of harmony to improve the lives of the community retains value in rural areas where the natural resources China desires are located. Traditionally, prestige derives from positive, supportive energy shared with others in the community, because that energy increases connections to *muntu*. Money alone does not lend true prestige – which becomes an increasing concern even for warlords, as they age. (Everyone wishes to be deemed worthy of veneration in the afterlife.)

That being said, respect can be enhanced through good works – which might be achieved in cooperation with Chinese investors. Illustrations include building, staffing and supplying schools, hospitals and clinics, or improving roads and other infrastructure.

If – and this is a major qualifier – the negotiated agreements contain terms to assure that these in-kind projects are completed in a timely manner and with high quality, durable materials, they can in fact become good works that bring honor to those who support the arrangement. On the other hand, local supporters/stakeholders *lose* face if schools, hospitals or clinics promised in the negotiations are never staffed according to plan, or do not offer career opportunities to local residents as teachers, health care providers, managers or administrators. The former, however, leads to peace in the village – with ripple effects that contribute to a robust, uninterrupted supply chain.

China’s Role in Africa:

Views from Different Sides of the Table

The positive view of China’s commercial role in Africa is summarized in the following quote:

Whether oil in Angola, timber in Mozambique or copper in Zambia, China is breathing new life into these African economies. All over Africa today you will see Chinese construction firms building railroads, highways, telecoms, enormous dams, even presidential palaces (Alden and Davies 2006: 91, quoting Elizabeth Economy).

Numerous sources applaud the “strategic partnership, based on mutual political trust” between China and Africa (see, e.g., Xiao 2010). This is not, however, the only view.

China was expected to serve as a positive role model for SSA nations, showing how to lift the masses from poverty to agricultural and industrial success, preferably without reliance upon foreign aid from the West (see Ravallion 2008). However, the conduct of China’s oil companies in Sudan, Nigeria and Angola has seemed indistinguishable from the bloody patterns of European powers. While billions have been spent to rebuild transportation infrastructure shattered during warfare, Beijing has also supported the sale of arms in the Niger Delta and, on the other coast of the continent, for Khartoum to use against the south in Darfur (Alden and Davies 2006: 92).

Chinese ventures in other industries – such as telecommunications and textiles – have a less militaristic shadow. Still, the influx of cheap Chinese manufactured goods has decimated the livelihoods of local individuals and small businesses – especially market women – in South Africa, Lesotho, Kenya, Nigeria and Cameroon (Jacques 2009: 327). Ineluctably, the corrosion of economic stability also threatens civil society, since Africa’s market women have long been key to political power at the grassroots level.

Why should this concern commercial negotiations about, say, oil and gas production? *Because the capacity of African mothers to exercise control over their adolescent sons was essential to reduce electoral and communal violence in the Niger Delta.* Their authority within their families derives in no small measure from their capacity to contribute financially to the household. The mothers’ influence over “restive youths” contributed to the truce reached with the Movement for the Emancipation of the Niger Delta (MEND) and similar groups, reducing attacks on oil companies in the region – activities that exert significant influence on the availability and price of oil worldwide (Bernard 2009a). To the extent that major oil importers, like the United States, consider such supplies essential to national security, the ripple effect can be profound, contributing to armed conflict not only in the Niger Delta but throughout Nigeria, Africa as a whole, and the Middle East (Chua 2003.)

In the Niger Delta, which provides all of the oil and virtually all of the foreign exchange that benefits the Nigerian economy, the hardest burden of resource extraction has fallen upon the Southern region formerly known as the Republic of Biafra, including the River Igbo, the Ijaw, and the Ogoni. Earlier in this chapter I indicated the sacred closeness between the people and the land, referring to terminology that does not effectively translate into the language of commerce. Multinational corporations can gain credibility while fulfilling legal obligations to protect their business investment; however, when a company enters into real dialogue with persons affected by the extractive project, area farmers and fishermen can suggest economical, low-maintenance, low-cost ways to increase safety measures and mitigate damage. Given that the Niger Delta experiences oil spills on a weekly basis, and other extractive industries have similar records, it is only rational to plan in advance for systems to contain, clean up and the restore the environment after damage has occurred. (See the discussion of “thinking ahead” about inevitable conflict in the IFC Toolkit 2011 (vol. 2): 1-5.) If the multinational corporation includes local African businesses as contractors in the cleanup, and hires area parents in the work, the multinational corporation can gain much value for relatively little expense. As much as anything else, the multinational corporation gains support from the villagers because the project has already demonstrated respect for their knowledge and abilities.

In mediation, the third-party neutral might rightly eschew making such suggestions directly. But in negotiations, the party representatives have greater latitude to be more forthcoming with solutions, using strategic planning scenarios. This would be an extremely appropriate time to employ the rhetoric of proverbs to introduce the proposals and solutions indirectly, so neither party or stakeholder feels unduly pressured to make a commitment – while at the same time the negotiators probe feasibility.

Summary: How African Value Orientation Overlaps with Chinese Value Orientation

It is possible to summarize many of the concepts presented within this chapter by reference to a useful analytical tool developed by a team of West African scholars of business management (Spralls, Okonkwo, and Akan 2011: 11-14). They focus primarily upon how consciousness of *muntu* can shape negotiating behavior among the Igbo – widely regarded as the dominant entrepreneurs in Nigeria. I have excerpted from their matrix of African values and beliefs those which most closely relate to the themes of this chapter (Ibid: 13):

Value	Belief
1	View the world as an integrated whole in which all events are traceable to one source.
2	Ground practical/common-sense thinking in proverbs.
3	Root theoretical thinking in mysticism.
4	View truth as depending on one's relationship with or the status of its source.
5	Fully trust relatives but not strangers.

These authors have synthesized the “Nigerian cultural dimensions and influence on negotiations” – creating a summary of interests and styles highly similar to Chinese commercial negotiation. (For more on Chinese commercial negotiation, see other chapters in this volume, including Goh et al., *As We See It*; Ali et al., *Innovations and Pitfalls*; Lawry, Kaufman, and Bhappu, *Redefining Beauty*; and Schneider et al. *Ethics in Legal Negotiation*.) Whether grounded in *Muntu* or Mencius, one finds:

- The preferred negotiation approach is integrative, rather than distributive, because it allows collective gains in complex arrangements designed to address multiple needs of multiple stakeholders.
- Relationships in business and personal life are inseparable. Commercial contracts are matters of relationship, not legal theory. Trust comes slowly, initiated through introductions by family members.
- Elders are respected as having wisdom and knowledge vital to assuring success, and ensuring that the interests of the group will be protected.
- Hierarchy is valued; hence formal protocol indicates respect, while informality indicates disrespect. Sending the wrong person to negotiate – someone too young or with insufficient status in the organization – can be a “deal killer.”
- Communication styles favor indirectness, non-verbal cues, and emotion; proverbs and adages are used to persuade. Mastering this rhetorical skill enhances the chances of mastering the business deal.

(Spralls, Okonkwo, and Akan 2011: 19-20).

Corporations, Communities and Countries:

From Holistic Communication to Shared Prosperity

Optimism about the capacity to change current practices regarding the negotiation of resource extraction agreements often shrivels in the light of widely disseminated images of African elites engaged in

ostentatious displays of wealth. Such perceptions of excess add to the reality that a select few tend to receive vast sums of money in the short term, while the many receive few, if any, lasting long-term benefits. Even the promises of infrastructure in return for natural resources have lost their glow: for in an increasing number of cases, the highways constructed in lieu of royalties to the government for the general benefit of the population are found to be poorly engineered, and unable to withstand the stresses of tropical climates. Similar fates have befallen stadiums, schools and hospitals promised by Chinese corporations. Those who negotiated such contracts – behind closed doors and with no input from the community stakeholders – become vulnerable to violent backlash.

Building the African Side of the “Bridge”

If the holistic approach suggested here is to work, connections may need to be forged with a different segment of African professionals in the emerging economies of the twenty-first century. I refer to the Western-educated professionals who have returned to their homelands. They form a rising bourgeoisie with a social consciousness that renders them a more likely “bridge” to future fairness in extraction agreements. They are quietly but determinedly building SSA nations into the “Cheetahs” – the African version of the Asian entrepreneurs who helped their countries’ economies become known as “Tigers.”

As seen in the United States, South Africa and other places where societies were restructured to achieve justice, the leaders typically are neither the downtrodden nor the dominators. Rather, the change agents are a highly educated and motivated upper middle class, as described in the classic but critical study, *The Black Bourgeoisie* by E. Franklin Frazier (1957). The strategic, long-range leaders of the American civil rights movement were established, high-status members of that Black Bourgeoisie: e.g., Martin Luther King, Jr., Ralph Bunche, Sadie T.M. Alexander, Adam Clayton Powell, Jr., Thurgood Marshall, and Dorothy Height. Their privileged positions as professionals did not diminish their passionate commitment to the advancement of all Negro people of their era – including all, irrespective of color or class. For they lived in and related to “both worlds,” black and white.

In the same spirit, a new generation of pragmatic-idealist, activist-intellectual professionals is rapidly rising in Africa. Their comfort in spanning “both worlds” – in behavior and in long-term objectives – embody what some Western observers might perceive as a paradox. Yet for Africans on the continent and in the diaspora, their status as what I call “bridge people” demonstrates the wholeness of personal integration, not splitting off or personal disintegration.

Consider the following description, familiar to those who spend time in the personal spheres of activity for such professionals, entrepreneurs and (quiet) leaders. At work, this Princeton-educated lawyer wears an Armani suit, and a multi-course client lunch is held at a posh restaurant featuring French *nouvelle cuisine*. When he returns home, he exchanges the Western suit for flowing robes. He eats with his hand, shaping starchy *fufu* in the traditional way to scoop tasty local stew with his fingers. As described in a massive modern history of Africa:

There is a growing realization that you do not have to be either African or European or even half and half. You can be both, two cultures integrated and whole. Their very success as global professionals generates the confidence to assert their Africanness. . . . This generation is open to the world and part of the global movement, enabling their economies to expand (Dowden 2009: 541-542).

How would such global Africanness manifest itself in the negotiation approach put forth in this chapter? One of the best examples I can offer is the negotiation training methods that I initiated with chapters of the International Federation of Women Lawyers (FIDA) in the Niger Delta, and which they took to its apotheosis.

The Rhetoric of African Oral Traditions Applied in Negotiation Training

The concerns and successes of the FIDA model for village women to negotiate peace in their families, neighborhoods and larger communities began as a project funded in 2000 by the Shell Petroleum Development Corporation – the only entity at the time willing to underwrite my travel to Port Harcourt and the workshops to train the trainers in an adaptation of tribal peacemaking “Oklahoma style,” which FIDA had asked me to bring to Nigeria. Shell’s desire had been to train cadres of women to send in as crisis negotiators when oil facilities had been shut down by protestors, or oil company facilities had been sabotaged, or foreign workers had been kidnapped. This seemed a set-up for failure.

Hence, we refocused the model to address issues where women had natural authority, and built outwards from there. Dialogues with FIDA revealed that most of the communal violence that later erupted into clashes over distribution of oil revenues, fair allocation and siting of neighborhood improvements, etc. were actually an outgrowth of long-simmering disputes within extended families. The village wom-

en heartily embraced the Confucian model for building peace in the world, beginning with peace in the home, and peace in one's own heart. These were matters within their sphere of influence – directly and through traditional women's tribal organizations, working with analogous men's groups.

Their successes over the years multiplied, to bring a modicum of peace in the wider region. Where that was not fully achievable, their efforts at least lessened or mitigated violence. As ever, the environmental damage inflicted by oil companies – poisoning the land, fishing and water upon which existence survived – was the primary factor that stressed social relations throughout the Delta, feeding communal strife and political violence. Over time, the intransigence of companies such as Shell (notwithstanding its later willingness to fund the training discussed here) gave rise to a growing sentiment among the local peoples that the indifference to their situation was not only “environmental racism” but “environmental genocide.”

In 2002, the Bayelsa Mediation Exchange, sponsored by FIDA, the American Bar Association, and the U.S. State Department brought a high-ranking delegation from the Niger Delta to Oklahoma City to expand this training to include inter-tribal and inter-religious conflict prevention and resolution.

The delegation consisted of elected officials, more accurately described as statesmen, not mere politicians. While trained in law at Oxford and Cambridge, these attorneys and lawmakers were also members of families with hereditary titles and wide spans of public and private influence. Their personal conduct and the conduct of their work were in the tradition of servant leadership and the traditional values of *muntu*. These leaders saw their first obligation as protecting and enriching the well-being of their community. Their success was measured not by personal gain, but by helping to build peace as the foundation for widely shared prosperity.

The delegation returned to Nigeria with my husband and me to coach workshops utilizing the methods honed in Oklahoma. The audience was mixed: officials side by side with village women who had never left home, and who had traveled days through a gauntlet of river pirates to attend this workshop. They wanted to learn more about how to bring harmony to their homes, in order to end communal warfare.

My presentations already syncretized abstract ADR theory from American scholars with potent symbols from the natural world in which our village peacemakers lived. My simple line drawings of fish traps, growing plants, gestation and birth – these had connected with the hundreds of women trained since 2000 to become “midwives of

peace.” This time I had the privilege to observe in awe the flowing, elegant, earthy transformation of our high status dignitaries into animated, soulful *griots* – traditional keepers of wisdom and wit; storytellers supreme.

Their deep knowledge of the oral traditions of Nigeria raised my work to a higher level (which I transferred to similar trainings in Rwanda and Liberia). Yes, I included a number of proverbs and much storytelling. But their animated, vibrant translation and elaboration turned these teaching methods into performance art; which is, indeed, the SSA oral tradition. Most striking was how the traveling delegation – comprised of global professionals operating at some of the highest levels of society – took the training developed in Oklahoma and made it authentically Nigerian.

With the self-confident grace of the Cheetahs, they flowed seamlessly between the Western theories of ADR and the everyday language of everyday people – Pidgin (also known as “Special English”). With call-and-response, song and rhythmic clapping, a Minister of Justice, a First Lady, a Senator Pro Tempore and a future Justice of the Court of the African Union built a bridge between law and culture, between upper class and lower class, between the modern, urban West and traditional, rural Africa.

This group of lawyers lived on these cultural bridges every day; this was their own global reality. “Bridge people” such as these may offer the best chance to negotiate community-focused, ground-up extraction agreements. Their work may prove the most effective way to embed a culture of compliance with practices designed to assure sustainability.

Building the Chinese Side of the Bridge

Will such SSA “bridge people” find counterparts in high-level decision-making roles in Chinese multinational companies? Will the only likely candidates be found among Africa’s resident Chinese, already involved in cultural outreach activities?

In fairness, I should expand that question: Will even American-based or European-based multinationals have among their boards of directors or corporate officers ethnic minority members who can authentically relate to the issues raised in cross-cultural negotiations as described here?

The word “authentic” perhaps misleads, although this qualifier probably occurs immediately in the mind of most Western readers. Earlier in this chapter I suggested that at least one person on the negotiation team should, ideally, possess the capacity for genuine empathy with the concerns of the community where the natural resources

are located. Note, however, I did not require that all members of the team, or even all decision-makers in the corporate hierarchy, share those empathic qualities. They do, however, need to respect the economic value that derives from this inclusive approach. Corporations cannot “feel” empathy; but individuals can and must show respect.

Respect in these contexts is measured by external behaviors: rituals, rhetoric and right conduct congruent with relevant traditions. Belief – as an internal, ineffable acceptance of certain values – is not necessarily part of the dynamic. Generally speaking, only conduct in accordance with those values matters. Those values can intersect across cultures – Chinese and Sub-Saharan African – when expressed with appropriate ambiguity that permits the exercise of discretion for creative problem-solving as the extractive project is implemented day-to-day.

This approach to negotiation builds lines for holistic communication – not theological conversion. To an extent, “conversion” is irrelevant when addressing SSA-Sino worldviews, symbolized here by *muntu* and Mencius. When viewed through the standard theoretical construct used in theology, the sociology of religion and comparative religion, both Chinese and SSA traditions are “orthopraxic” not “orthodoxic.” What matters in orthopraxic cultures is whether externalized, observable behaviors conform to communal norms. Unlike in orthodoxy (most Western religions), inquiries (inquisitions) to plumb the private depths of an individual’s “true” and subjective “belief” in the credo have no place among the laity, the general population. This sociological congruence between China and SSA, in and of itself, lays the foundation for pragmatic solutions, guided by transcendent ideals of interrelationship and perceived integrity. This meets the test of most negotiations as taught in both first and second generation approaches: focus on outward, observable behaviors, conduct, and goals to mark progress; avoid indefinable subjectivity.

Conclusion

Most Anglo-Americans and persons steeped in or attuned to a fairly linear, logic-only, somewhat limited brand of Western education may find the approach and methods suggested in this chapter challenging. Others, whose complex modern-traditional-private-public lives have long bridged the cultural norms described, may find encouragement here. Second generation models of negotiation training can not only acknowledge, but embrace, non-Western cultural values and bargaining styles. Admittedly, it will require effort for most Westerners to shift to the next level of discourse, using proverbs and parables that can immediately change the paradigm of negotiation. Instead of be-

ing a Western deal-making win-lose, short-term wrestling event, it becomes an introduction to long-term, lasting relationships that can prevent and survive missteps and miscommunication. The holistic style of communication presented here – both as an approach and as an example demonstrated through much of the chapter – engages parties and stakeholders. It offers more than a simple nod of respect to the culture; which, of course, is worthwhile. But more, with thoughtful usage, this rhetorical method can reveal hidden difficulties that may otherwise impair the success of the venture.

The broader description of the preferred negotiator profile represents a significant break from standard methods. If followed, the negotiation team – even decision-makers within the corporation – will bring to the forefront individuals usually ignored or dismissed. These are situations where the very ethnic heritage that made minorities disfavored in the past can serve pragmatic goals for the multinational corporation: they can help increase productivity and profit. Particularly in cultural settings loaded with indirect and implicit messages, non-verbal cues, and a need to build relationships that blend personal trust with business success, standard, American-based models of commercial negotiation – whether applied by Americans or, ironically, by Chinese negotiators – hold little promise for achieving the deeper, long-range goals of sustainable resource development through sustainable agreements.

I have written elsewhere in the *Rethinking Negotiation Teaching* series about the complex worldview and sensibilities that shape the structuring of commercial contracts involving persons whose lives bridge modern and traditional cultures (Bernard 2009b; Bernard 2010). This chapter has elaborated upon those perspectives, offering deeper insights into the methods I have used in grassroots ADR training models ranging from the tribal peoples of Oklahoma to ethnic communities in Africa. The most significant difference in this iteration is to urge multinational companies to include in negotiation training, workshops and informal cultural education events their own boards of directors, officers and supervisors in the affected chain of command (see IFC Toolkit 2011). I make so bold as to suggest that multinational companies consider diversifying their own boards of directors if they are to thrive in the global arena, dealing routinely with populations whose cooperation at the grassroots level is, ultimately, vital to stable production and global security.

This call for diversity on corporate boards might be scoffed at as mere “tokenism.” However, as a Sufi former finance minister for Iran explained to me:

When it comes to corporate social responsibility, do not discount the value of a ‘token.’ Yes, something good might begin as a token gesture, not given great support, initially. However, over time, people continue doing things that way, and twenty years in the future, people only know that ‘this is the way we do things.’ They don’t see it as a token. It is now part of an institution – but has lifted the principles and practices.

This is a goal worth negotiating for. Even if the immediate results appear small, they are never insignificant. Time will tell.

Commentary: *Stephanie J Mitchell*

Is Mencius in the Meeting?

Introduction

Muntu Meets Mencius raises important questions for those involved in Africa-China resource negotiations. This commentary elaborates on several aspects of Phyllis’s discussion, with a view to developing still further its useful analytical and practical framework. An introductory discussion of terminology is followed by reflections on Chinese traditional values with respect to nature, Chinese negotiating style and practice, and a concluding analysis of challenges and opportunities for future work in this area.

Terminology: Who is Mencius?

As Phyllis states, “*Muntu*” and “*Mencius*” here are used as shorthand, as icons, and should not be read in the same way as they would be understood by, say, philosophers or historians.

This usage was difficult for me as there is, as might be expected, a wide body of literature and active debate on the role played throughout Chinese history, politics and culture by various strands of (neo-) Confucianism. Those debates are very much alive today, and inform serious discussion of a far-ranging set of legal and governance issues. There is also the temptation to query the choice of neo-Confucianism as a “model” at all, given the rich role played in Chinese culture throughout history by Daoism and Buddhism, and by the classic claim that Confucianism falls not so much in the Western typology of “religion,” but rather among approaches to “government.”

In pedantic mode I might have suggested, instead of “*Mencius*,” a reference to “Chinese traditional culture and values” as the wellsprings which we seek to tap in this endeavor – but that would admittedly be far more cumbersome. Such an approach would, however,

have the merit of avoiding confusion when invoking Daoist practice or anecdote, for example, for the two traditions may be seen to be quite diametrically opposed in many ways. Daoism, while co-existing with Confucianism and other traditions in China, most emphatically is not Confucianism. The mention of the Dao is an example of why I am uncomfortable with the “Mencius” and “(neo-)Confucian” terminology throughout the article. Daoism and mystical thought are at odds with Confucianism and more particularly with the neo-Confucian revival. This is not to say that the two do not co-exist within Chinese culture and society: very clearly they do. Even very recent history is replete with examples – or rumors – of Chinese leaders seeking mystical Daoist help to live and reign longer. But this is the very reason why I argue that semantically it would make far more sense to talk about “traditional Chinese culture,” which is a vessel that can hold all these mutually contradictory notions.

I was also leery of the appearance of embracing (neo-) Confucianism in an appeal to values, as the label is often used in the kind of “bumper sticker” or “slogan” way which Phyllis rightly decries elsewhere in the article. “Confucian” thought includes much which might today be anathema to many, in China or elsewhere, as well as much which might appeal. Most notably, Confucianism in its essence is built around a series of hierarchical relationships – the ruler and the ruled, the elder brother and the younger, the husband and the wife. These relationships are meant to imply duties and obligations in both directions; but in traditional Chinese society, a widow would effectively be subject to another male member of the family, even to her own son. In such a society it would be hard to imagine much sympathy for or understanding of the African situation of powerful matriarchy Phyllis describes. On the other hand, a sense of the value of hierarchy may be very useful to negotiators on both African and Chinese sides of the negotiating table: knowing when “the man who can take decisions” is actually present and when “the man with the key” is out of the building is a vital element of negotiating knowledge in the Chinese context.

In the practical context of this volume and this chapter in particular, however, the larger philosophical questions above should be set aside, however appealing they might otherwise be. And beyond my concern with terminological clarity, however, there is much of value here. The matrix of traditional African values, for example, would be recognizable in at least half its items to anyone familiar with “Chinese traditional culture and values,” particularly regarding the value attached to the land. This leads naturally to my second point – the nature of values, and the value attached to nature in China. Finally, it is

as true in modern China as in the African examples that Phyllis cites about deciding not to use “harambee” or “ubuntu,” that terminology is highly politicized in China. Confucius has been reviled as recently as the 1970s “Down with Lin Biao, Down with Confucius” campaign and his apparent “revival” is extremely recent and clearly also being used for modern-day political ends. China has an exceedingly long and deep tradition of playing contemporary politics with references to the past; in fact, one could say that doing so is almost a tradition in itself!

Cultures and Values: The Real and the Ideal

In any discussion focusing on values and culture anywhere, one must always remain alert to the difference between the ideal – the values openly espoused, or which are felt to be correct or acceptable or honorable or virtuous to espouse – and the real – those which one perceives in operation through more objective measurement or observation. This divergence is a common problem in comparative law studies and a veritable mainstay in related debates.

Any cross-cultural survey will tell us that the Chinese place a high value on harmony with nature – but those surveys will also show variations among Chinese from various backgrounds (mainland, Hong Kong, Taiwan, Singapore, etc). Even more important is the necessity of unpacking what is meant by the survey questions and the way in which the questions are understood. (See Lawry, Kaufman, and Bhappu, *Redefining Beauty*, in this volume.)

By way of example, I remember a cross-cultural management training seminar in Hong Kong in the mid-1990s during which one such survey purported to show greater value attached to “nature” by, among others, Chinese and French managers than by their American counterparts. A Frenchwoman there found this perfectly self-explanatory: “Look at those horrible perfect lawns Americans insist on, wasting water and using so many chemicals!” An American student countered that those lawns ended at driveways full of recycling bins . . . and so on.

A student of Chinese history might wonder about which conception of “nature” was evoked by the question to begin with. After all, there have been thousands of years of Chinese attempts to control, divert, connect and dam some of the world’s greatest rivers, to fight drought, floods, and famine, and to demarcate the land and impose the marks of its rulers on its mountains. To this day, in fact, natural disasters may be seen as a sign that a dynasty – or a regime – is on its last legs, a warning from Heaven of displeasure with Man’s intermediaries.

An artist or art historian of China might also pose questions. Take, for example, the artifice involved in importing “strange stones” to scholars’ gardens to create – at great price – the illusion of “naturalness.” Almost any tourist to China risks raising a camera to capture a scene of natural beauty and hearing “*That’s not the view, the real view* [that is, the one to which poetry and literature have referred over centuries as beautiful] is over here!”

In the legal context, Chinese scholars have been known to retort that American ideals are no more real. One commonly heard – if overtly political – argument is that social “rights” and “freedom” are effectively meaningless if people still live in poverty.

With a single, logical conclusion elusive as to any of these issues, it becomes more functional to treat the real and the ideal in the context of rights in resource negotiations (and elsewhere) as a sort of feedback loop. In the example of the traditional Chinese view of nature, the ruler is expected to control – and honor – nature in the correct manner so as to enable the people to live peaceably and well. Is a natural disaster a sign that the ruler has done too much, or not enough? Is this a philosophy of honoring nature, respecting it, or something else? It is, at the very least, a philosophy which acknowledges an intimate relationship between people and their natural environment, and it may be the *existence* of this relationship, rather than its details, that should be acknowledged as a point of departure in resource negotiations.

Chinese Negotiating Style and Practice

Several aspects of Chinese negotiating style and practice can add texture to Phyllis’s recommendations. One is Chinese negotiators’ approach – mentioned above – of starting from first principles. Western negotiators frequently either neglect this aspect of negotiations, sometimes to their later regret, or overemphasize it, imagining that an agreement on principles constitutes a fully enforceable contract, rather than a first step in a negotiating process. A common misstep might be to imagine that a statement of principle respecting “equality and mutual benefit” is mere boilerplate. That might appear to be the case only until questions of valuation or contributions to a venture arise – at which point a lack of attention to the agreed principle of “equality” could be quite dangerous.

In its rightful place, beginning a negotiation with agreement on guiding principles can serve as a useful tool for all involved in a negotiation. There is no reason why appreciation for some common principles, such as those evoked by Phyllis, should not occupy a place in this part of the process, and then in the corresponding texts developed.

But a disconcerting feature of Chinese negotiations, on however large or small a scale, parallels the “lack of direction” mentioned by Phyllis as an African characteristic. A Western negotiator may often be left with the feeling that a negotiation in China “wasn’t about what it was [supposed to be] about.” A classic example of this phenomenon, dating back to the earliest days of China’s “opening up” in the early 1980s, would be a process something like this:

Western negotiator (W): We understand there’s a new law offering attractive provisions on [e.g., tax incentives for investment in a particular sector]. We think our proposal falls in that category.

Chinese negotiator (C): You are misinformed, there is no such law.

Next meeting:

W: Here is a copy of the law, it seems to offer hope for our investment proposal.

C: This is not a public document, how have you obtained confidential documents?

And later:

W: We’ve obtained a public copy of the law, and checking the English version, we think our position is correct.

C: This is not an official translation, your understanding is not correct.

And so on . . .

What is it “really about”? In the Chinese case it may really be about identifying the real sources of power, who may very well not be in the room. It may also be about other offers pending, or about playing various parties off against each other. Undoubtedly African negotiators today are faced with the dynasties-old Chinese tactic of reminding the “barbarians at the gate” that the next set of barbarians – whose price and terms may very well be lower and better – are in the next meeting room, just waiting their turn for a bite at the prized Chinese apple.³

All of the elliptical strategy and puzzling tactics may, in fact, be “all about” the price, pure and simple. Negotiations about technology and services often stall when confronted with a Chinese view that only those offerings which “can be dropped on your foot” – i.e., the tangible parts of a deal – have real value. In this context it can be difficult to obtain a proper price or valuation for services, for peripherals,

replacement parts, instruction or maintenance, etc. In the simplest retail context, the Chinese concept that “only price matters” can play out in an amusing fashion for a Western shopper. But this apocryphal story is offered as a hint of a broader cultural phenomenon Westerners should be trained to expect:

The scene: a clothes shop in Beijing

W: I like the style of that shirt, do you have it in blue?

C: (takes down the white shirt to show the customer) It's 110 RMB.

W: Hmm, yes, nice, do you have it in blue?

C: OK, OK, for you 80 RMB.

W: No, you don't understand, it's to go with a blue suit, I already have plenty of white shirts, I really need blue. Does it come in blue?

C: Fine, fine, 50 RMB.

W: (Looks around in desperation, sees no blue shirts, apologizes, shrugs, walks out of shop)

C: (turning to colleague) I don't understand, 50 is a **really** good price, why did he leave?!

It is important to note in this context that the interest-based model of negotiating does not commonly make an appearance in Chinese negotiations. It is not only Westerners or Africans who would benefit from the training Phyllis advocates. If, in fact, it is “all about the price,” then all the other discussions – whatever they are nominally “about” – are really dedicated to finding out if the other side has really, actually reached its true, final, bottom line. It is thus very important for any negotiator to “know thyself” before even arriving at the negotiating room. I would argue that this is even more important than knowing anything about one's Chinese opposite number.

Is Mencius in the Meeting – and Does Mencius have a Heart?

And so we get to the heart of the matter. Phyllis argues for training negotiators with heart, with empathy, and with an understanding of the common principles she finds in both SSA and China. It is easy enough to envisage the more desirable results that could be wrought if such an approach is achievable. But surely there is the nub of the matter: is such a change truly achievable?

Let us begin by asking who is “in the meeting” – that is to say, who are the negotiators? Phyllis refers to representatives of African governments, elites, and, ultimately, communities and other sources of power. She also refers to representatives of multinationals. But there

is no mention of the most likely representatives on the Chinese side of the table. Most resource investments or similar large-scale projects will be undertaken by Chinese businesses which are *state-affiliated*, although this is by no means the only or even the most prevalent (depending on which measure one uses) form of Chinese business today. Even for those large Chinese businesses which are not state-owned (e.g., such firms as Lenovo or Huawei) the question of “who controls” the negotiation will remain apposite.

In the putative search for the right Chinese negotiators, I would find it more persuasive if we simply left it at – “the African Cheetahs must find Chinese counterparts” without citing the Confucius Institutes. There are a number of reasons for this. Most importantly, teachers of Chinese language and culture are not likely to occupy the same socio-economic “bridge” status as the Cheetahs. There *are* Chinese middle classes and upper-middle classes, who now form a substantial portion of urban Chinese society, but there is no particular reason for supposing that employees of the Confucius Institute fit that characterization. I would postulate that such counterparts are far more likely to be found within the ranks of the rising executives within a Chinese corporation, its home-grown legal or financial advisers and staff, and similar personnel. These are the people most likely to be able to move between cultures, which Phyllis notes is the useful quality offered by the Cheetahs.

In addition, the Confucius Institutes are not immune from controversy of various sorts; there is no need to recapitulate the various claims and counterclaims about them, but the key point is that they are not present outside China in order to understand non-Chinese: they are there to teach Chinese. Among accusations leveled at them are that they co-opt institutions with which they are affiliated, away from even scholarly discussion of topics which may be critical of or offensive to the Chinese government, and that they offer a “plastic” watered-down version of Chinese culture, of the “song and dance” variety. Whether these accusations are true in individual cases or not, they may be seen to be roughly the cultural equivalent of the economic and social arguments against foreign firms in the resource extraction sphere.

Finally, perhaps it is not for us to be prescriptive and hazard guesses at where we think useful Chinese counterparts to the Cheetahs may be found, but rather to content ourselves with specifying the sorts of characteristics they will need to use a new approach to resource extraction agreements between China and African nations. Those characteristics are presumably the very same as those of the Cheetahs, the characteristics of “human bridges” so well described in the Dowden quote.

And more encouragingly, it is clear, as Phyllis notes, that it is possible for negotiators to be trained in a fashion which will address the many possible sources of power, community legitimacy, and stability. It is equally clear that the last of these factors, stability, is of great and growing concern to Chinese leaders, whether with regard to matters abroad or at home. Abroad, it has undoubtedly been a shock to the leadership to find Chinese personnel taken hostage or otherwise treated in the same fashion – unwanted, resented – as former colonial overlords. It has also undoubtedly been worrying to realize that the projects they undertake – whether resource extraction or infrastructure, etc. – can be threatened, even purely in budgetary and completion terms, by social problems.

This sort of problem, however, is far from alien to the Chinese government. In fact, it exists on a large scale *within* China. The environmental degradation which is sometimes cast as the “price” of enormous economic development over the past three decades has given rise to much social unrest within China, even if only a small percentage of such events are reported widely outside the country. Since the introduction of the Administrative Litigation Law in the early 1990s, there has also been a surge of lawsuits against functionaries of the Chinese government, whether for police abuse of those detained, for improper handling of land disputes, or for other perceived failings. Public protests, demonstrations, and ultimately even violence are far from unknown within China.

Like people everywhere, Chinese individuals and communities expect more and better from their governments. There is a long-seated tradition in China of the “righteous official” who combats corruption from within and who stands up for the wronged party, however low on the social scale the innocent victim may be. And at a practical rather than abstract level the government is well aware that its legitimacy depends on “serving the people,” even if that Mao-era slogan would go unrecognized or even scoffed at by the man on the Chinese street today. The Chinese government is also aware that it needs to learn to listen more and better in its foreign dealings, as the recent case of Burma has underlined. In canceling a \$3.6 billion dam being built there by Chinese state-owned enterprises, the Burmese government abruptly drew the attention of the Chinese government to the fact that its efforts were not universally perceived as well-connected to the needs of the local people or even of the local regime. The Chinese government has, according to recent reports, made the connection between the Burma experience and Africa, and is now urging businesses to “be more respectful of local customs and people, and to invest more in . . . corporate social responsibility” (Economist 2012; see also Yu, Chen, and Yang 2012).

But to get back to the question at the start of this section: who are the Chinese representatives in the negotiating room, whether government or corporate, and who or what do they really represent? Are they personally and professionally susceptible to Phyllis's call for "heart" and empathy, or is it "about what it's about" – only the price? I think the mention of minorities here is misdirected. I find it very difficult to imagine that, say, a Miao or Yi employee would make a better negotiator than a Han Chinese. If such a person has made it to a level of reasonable responsibility in a Chinese business or administration, then he or she has been educated entirely in Mandarin and may have little remaining connection with any other culture – perhaps no more than the opportunity to wear different clothes for celebrations, or possibly certain privileges with respect to the one-child policy. I suspect the issue is a red herring, as the issue of multinationals diversifying their boards and their staffing seems to have been conflated with the issue of who might be useful interlocutors on the Chinese side of SSA resource negotiations. It may well be true that diversity is beneficial for corporations and administrations – but that is not the same issue as the one we are discussing here; the argument paints with too broad a brush in my view.

I would in fact make the opposite argument – that what we should keep our eyes open for might be an "ueber-Chinese": someone so well established in their home culture and business that they can afford to be "strong enough to be seen to be weak." Of course for "weak" we should read "different," "magnanimous," "open-minded" or simply "taking a different approach to negotiations." To borrow the ancient Vulcan proverb offered by Spock in *Star Trek VI: The Undiscovered Country*, "only Nixon could go to China." Someone whose leadership is unquestioned in the Chinese context could well afford to take a more holistic view of negotiation; someone more marginal would have much greater difficulty obtaining sufficient negotiating authority to follow a new approach.

From the fact that Chinese organizations *are* building schools, highways, and other civic infrastructure in Africa, one may conclude that at some level, at least a "thin" awareness of the importance of community interests beyond the dollars-and-cents (or renminbi) bottom line does exist. And yet, what will happen if those projects are plagued by the same penny wise, pound foolish approach that has become known within China as "building with tofu" (bean curd) instead of with concrete?⁴ Is there any reason to hope for better results outside China than inside?

I agree with Phyllis that if there is to be any hope for better results, the change must start at the top of whichever organization is on the Chinese side of the negotiation, as it must in Africa or within

multinationals. It is a management truism that “what gets measured, gets done,” and this certainly proves true in the Chinese government environment. Officials at various levels of the Chinese government are known to be measured on various indicators. One could reasonably assume that if, say, water quality in the official’s locality were one of the measured indicators, dictating not only the local budget but also local prospects for promotion, then water quality might at least be *reported* to have improved – and the need for reports that will not immediately become an object of ridicule becomes a real, if partial, constraint on bad behavior. As it is, indicators for, say, criminal convictions during anti-crime campaigns are clearly seen to spike.

It would thus be tremendously interesting to know to what measurements the Chinese negotiators for resource extraction contracts are held, and how and by whom they are measured. As a subject for future research, getting this information out into public view could be influential. Is the only standard whether the “price is right”? And if so, is the standard destined to remain that way? Or, as Phyllis suggests, is there a way to measure the social sustainability and acceptability of a project, and begin to reward its negotiators accordingly? Such a measurement could be seen as a measure of likely “investment success”; and it would presume an interest in at least medium-term success. If it could be ascertained and reliably reported – all big “ifs,” admittedly – then such a system could benefit the Chinese people as well. For it would surely be equally applicable both at home and away.

Recent events give some hope that the right negotiators – the “opposite numbers” to the Cheetahs of Phyllis’s description – are already beginning to appear, and to have some influence both within China and in her overseas ventures. In 2011 a group of members of Chinese non-governmental organizations visited Burma, where China has long exercised great influence and where recent large-scale infrastructure projects had evidently been assumed by the Chinese government to constitute evidence of neighborly interest and support.

But that was not necessarily the case. What the Chinese NGO representatives found was that there was little or no attention to interests of local inhabitants near the site of the Chinese-built Myitsone Dam; in their report they expressly noted that other countries working in Burma were better at maintaining good relationships with local people and not only with the government. They further noted that Chinese actions in ignoring environmental impact requirements would have violated China’s own laws, had they taken place in China. They made an express comparison to investment risk in Libya. The dam project itself was shortly thereafter shut down by the Burmese government.

The NGO representatives recommended much greater attention to what Phyllis and I might describe as “listening skills” on the part of Chinese state representatives. Without going into extensive detail on other cases, both inside and outside China, and on the evolution of civil society-government relations there, these developments suggest that the message that “attention must be paid” is getting through to the top levels of Chinese government. (See *Economist* 2012 and Yu, Chen, and Yang 2012. Further support is found in a recent New York Times/International Herald Tribune article, on an announcement by the Chinese government that in future a “social risk assessment” will be required for all major projects *within* China. See Bradsher 2012.)

If that is the case, then we have not one, but multifarious nominees for the “Cheetahs” to look forward to on the other side of the negotiating table – or at least, and to begin with, over meals or at cultural events. First there are the senior level government representatives who, according to the *Economist* report, have already given orders that Chinese projects overseas must pay greater attention to the sorts of factors we have been discussing here. Second, there is an even more interesting pool of people in the sort of civil society representatives who visited Burma and investigated conditions there, in itself an impressively proactive effort. I have met some such people in China, beginning more than a decade ago, and they are as remarkable as their counterparts elsewhere in the world – all the more so if one considers the difficult legal and regulatory environment they have to negotiate. They are retired professors, teachers and judges, idealistic young people, experts on environmental and technical issues, and as many other kinds of people from as many different walks of life as you might find doing this sort of work elsewhere. Their devotion, knowledge and creativity may be one of China’s greatest assets in tackling the sorts of issues Phyllis describes. It would not be at all surprising if they also become skilled second generation negotiators.

Notes

¹ After a fourteen-year civil war funded by diamonds, disputing rights to exploit timber and other natural resources, Liberia was the first African nation to be designated EITI Compliant as of October 2009. EITI awarded Liberia the Implementing Country Award in 2009, “based on Liberia’s rapid progress and trend-setting performance” (Caspary and Seiler 2011: 2).

² As noted by Augustine Shutte, “[t]he fundamental norm in the ethics of traditional African thought is human nature itself: it is the living *muntu* who, by divine will, is the norm of either ontological or natural law” (2001: 129). Shutte also notes “[i]t is, in fact, a natural law kind of ethics. And, as this nature is understood in terms of *seriti* of vital force, so the moral life in all its individual, social and political ramifications is understood in terms of the

struggle to increase this [life] force ... It is the ideal which animates the life of the *muntu*, the only thing which he [or she][the individual] is ready to suffer and to sacrifice himself [or herself] " (2001: 175).

³ It is more than worth underlining, for those "barbarians" considering caving in at the thought of the other barbarians in the next tent, that there is no convincing evidence that offering cut prices or other "introductory" discounts has ever been a route to commercial success in dealing with China. It almost invariably seems to lead simply to a demand for further discounts on the next piece of business.

⁴ This turn of phrase was common after the Sichuan earthquakes, when it was discovered that public buildings – notably schools, where so many children died – had been built with inferior materials and techniques, as compared to other structures which offered the promise of turning a profit and remained standing after the quake.

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