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Insecurity of Lives and Properties: Application of Principled/Collaborative Negotiation Principles and Practice in Resolving the Dispute of State Demand for State Police in Nigeria

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Abstract

The article by way of analytical method examines Principled/Collaborative Negotiation Principles and Practice with the objective of applying same in resolving the dispute of State demand for State Police between States and Federal governments of Nigeria, pronounced by problem of insecurity of lives and properties. These principles and practice in resolving disputes are distilled and applied in the context of States and Federal government of Nigeria as parties to dispute of State demand for State Police. By applying these principles and practice to resolving the dispute between the parties, a good platform is created for the parties' interests, fears and challenges to be brought to bear whereby both parties gravitate towards the same direction to resolving the dispute in order to solve the problem of insecurity of lives and properties. The first part deals with introduction, discusses the duty of government to secure lives and properties of the citizens, the problem of insecurity, failure of the Police, State Police and demand for State Police by States. The second part discusses Principled Negotiation and its four prescriptions in practice; part three deals with Collaborative Negotiation, its approaches and application to resolving the dispute of demand for State Police between the parties. Part four deals with the use and practice of Principled Negotiation to resolve disagreements and its application to the parties in resolving the dispute of State demand for State Police. Part five deals with conclusion/recommendations.

***Key Words**: Principled/Collaborative Negotiation, State Police, Security, Dispute.*

Introduction: In Nigeria, the primary purpose of government is to ensure security and welfare of the citizens[1]. To meet these ends, the Constitution of the Federal Republic of Nigeria (CFRN)[2]and the Police Act[3] established the Police. Generally[4], the duties of the police includes the prevention and detection of crime, the apprehension of offenders, the preservation of law and order, the protection of life and property and the due enforcement of all laws and regulations with which they are directly charged, and shall perform such military duties within or outside Nigeria as may be required of them by, or under the authority of the law.

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[1] CFRN 1999, s14(1)(b)

[2] Ibid s214(1)- There shall be a police Force for Nigeria, which shall be known as the Nigeria Police Force, and subject to the provisions of this section no other police force shall be established for the Federation or any part thereof.

[3] PA 2020, s3- There shall be established for Nigeria a police force to be known as the Nigeria Police Force (in this Act referred to as "the Force") <https://lawsofnigeria.placng.org/laws/P19.pdf> accessed on the 29th of June, 2021

[4] PA 2020, s4

The failure of the Police to prevent crimes, protect lives and properties of the citizens is a problem of insecurity that have plagued Nigeria especially by Boko Haram and Killer Herdsmen which has led to calls by some States of the Federal Republic of Nigeria to demand for the restructuring of the country including the security architecture to allow States to own and operate State Police. This call however, has not gone down well with the Federal government of Nigeria as it claims that the CFRN has no place for such and besides, they fear that the States will abuse the use of State Police if granted[5]. Needless to emphasize that security of lives and properties is germane to peace, and economic development of the citizens; progressive growth and sustainability of businesses[6].

State police or provincial police are a type of subnational police or territorial police force found in nations organized as federations. These forces typically have jurisdiction over the relevant sub-national jurisdiction, and may cooperate in law enforcement activities with municipal or national police where they exist. Nigeria practices a highly centralized system of policing where the Force reports directly to the President, while the Governor who is the Chief Security Officer of the State has no control over the police. This kind of police formation does not reflect true federalism. It is perhaps time to consider state policing to help the police connect more with the community with whom they will certainly share a common language and culture, making it easy to prevent and curb criminal activities, to protect lives and properties of the citizens. It will not only reflect Nigeria as operating a true federal system of government but will also bring security closer to the people and resolve the problem of insecurity. It might be necessary for Nigeria to take a cue from other countries where state policing or a hybrid of both state and federal policing is practiced. In Australia and United States of America, each state has its own state police force. Municipalities (equivalent to Local governments in Nigeria) do not have police forces and it is left to the state forces to oversee the geographic areas within their respective states. In Germany, the federal constitution leaves the majority of law enforcement responsibilities to the 16 states of the country[7].

It is an immutable fact and a truism that wherever human beings or nations co-exist there is bound to be conflicts arising from dealings in their relationships. The quest for peace in affairs of man has led to various studies/research to develop principles or codes that can help man in resolving conflicts and restore peace by seeking to determine the underlying factors behind conflicts and identifying the interests and needs of parties to a conflict and how to balance these various competing interests and needs to achieve an enduring peace amongst them.

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[5] See also, Eme Okechukwu Innocent and Andrew N Ogbochie, 'Limitations of State Police in Nigeria'. [July, 2014] (Vol 5) (No 15) *Mediterranean Journal of Social Sciences* MCSER Publishing, Rome-Italy ISSN 2039-2117 (online) ISSN 2039-9340 (print) 132 <https://www.researchgate.net/publication/269955225_Limitations_of_State_Police_in_Nigeria> accessed on the 29th of June, 2021.

[6] See also, EmeOkechukwu Innocent and Nkechi O. Anyadike , 'Security Challenges and the Imperatives of State Police'. *Review of Public Administration & Management* (Vo. 1) (No. 2) 277 <https://www.longdom.org/open-access/security-challenges-and-the-imperatives-of-state-police-2315-7844-1-115.pdf> accessed on the 29th of June, 2021.

[7] See also, Primeria Africa Model, 'The Nigerian Police (Establishment) Act, 2020- The Final Medicine?'<https://primeraal.com/news/the-nigerian-police-establishment-act-2020/> accessed on the 29th of June, 2021.

In Nigeria, the call for restructuring by some States, especially the Southern part of the country including demand for alteration of the revenue sharing allocation formular, resource control and particularly demand for State Police, etc at Asaba Declaration[8] are constitutional disputes between States and the Federal government of Nigeria. The historic demand for restructuring by governors of the Southern states of Nigeria at their meeting in Asaba, Delta State, on May 11, 2021 has significantly upped the ante in the long-running agitation for political restructuring in Nigeria. The bi-partisan and unanimous nature of the Asaba Declaration, as the governors' resolutions are now called, shows that the governors expressed the collective wishes of their people- the people of Southern Nigeria. The governors' resolutions now require a state-manlike response from President Muhammadu Buhari in the national interest[9].

In resolving such dispute which bear directly on the Constitution and in search for adequate security of business environments including lives and properties, parties must come to a negotiating table where at the end of the day, their interests would be served without undue dissatisfaction to any of the parties.

2.0 Principled Negotiation?

Roger Fisher and William Ury of Harvard[10], in their seminal work on negotiation, described a "good" negotiation as one which: Is more than just getting to "yes." A good agreement is one which is wise and efficient, and which improves relationships. Wise agreements satisfy both parties' interests and are fair and lasting. With most long-term clients, business partners and team members the quality of the ongoing relationship is more important than the outcome of the particular negotiation. In order to preserve and hopefully improve relationships how you get to "yes" matters.

According to them[11], Negotiations commonly follow a process of "positional bargaining." Positional bargaining represents a win-lose, versus a win-win paradigm. In positional bargaining each party opens with their position on an issue then bargains from the party's separate opening positions to eventually agree on one position. Haggling over a price is a typical example of positional bargaining, with both parties having a bottom line figure in mind. Positional bargaining does not tend to produce good agreements for the following reasons:

- It is an inefficient means of reaching agreements.
- The agreements tend to neglect the other party's respective interests.
- Ego tends to be involved.

[8]Olu Fasan, 'State of the Nation, Asaba Declaration: Nigeria must be restructured to survive'. *Vanguard*<https://www.vanguardngr.com/2021/05/asaba-declaration-nigeria-must-be-restructured-to-survive/> accessed on the 20th of May, 2021

[9]*Ibid* (n 8)

[10]Roger Fisher and William Ury, 'Getting to yes: Negotiating Agreement without Giving In'. *Harvard Approach* <https://na.eventscloud.com/file_uploads/fd90f7b5575b6d9229dfb17bf132b299_ER2017_CollaboratingwithSchools_SandyMislow_Handout-PrincipledNegotiation.pdf?pix=sy_0_0.> accessed on the 31st of October, 2020.

[11]*Ibid*.

- It encourages stubbornness thus harming the parties' relationship.

It would appear that the Federal government of Nigeria has been applying the Positional bargaining in its attempts at tackling the constitutional disputes between it and States in respect of call for restructuring, particularly the demand for State Police. While States have been calling on the Federal government to restructure Nigeria in terms of alteration of the Constitution to allow and reflect State policing, adjustment of revenue allocation in favour of States and Local government areas, devolution of powers to States to develop and manage their water and sea ways, education, registration of businesses, etc, the Federal government of Nigeria has refused or neglected to consider or address the call as it demands.

The adamant posture of the Federal government of Nigeria in yielding to this call reflects a neglect of the respective interests of the States thereby harming its relationship with that of the States.

2.1 The Four Prescriptions of Principled Negotiation in Practice

Principled negotiation offers perhaps a better way of reaching good agreements. This process can be used effectively on almost any type of conflict.

1. Separate the People from the Problem: hard on the problem, be soft on the people/personality- sterotypes

Because people tend to become personally involved with the issues and their respective position, they may feel resistance to their position as a personal attack. Separating yourself and your ego from the issues allows you to address the problem without damaging relationships. It will also allow you to get a more clear view of the substance of the conflict. The authors[12] identify three basic sorts of people problems:

(1) Different perceptions among the parties;

(2) Emotions such as fear and anger; and

(3) Communication problems.

While it may argued for example, by the States that, restructuring Nigeria to provide for State Police will improve and restore security of lives and properties including business environments, it may also be argued by the Federal government that States might abuse State police under their whims and caprices. Such different perceptions and fears amongst the parties, ie the Federal government and the States are part of the problems of failure of the parties to a Win-Win at the negotiation table of restructuring. Here, the parties should separate themselves from the problem. For instance, in resolving the constitutional dispute of demand for State Police, the Federal government and the States should separate themselves from the problem of insecurity which is the bases for the demand of State Police; and the interest of the State to solve the problem of insecurity. This should be the focus of both parties rather than dwelling on whether or not the States will abuse the grant and use of State Police.

[12] Roger Fisher and William Ury (n 10)

Fisher and Ury's suggested solutions to the above problems include:

- Try to understand the other person's viewpoint by putting yourself in the other's place.
- Do not assume that your worst fears will become the actions of the other party.
- Do not blame or attack the other party for the problem.
- Try to create proposals which should be appealing to the other party.
- Acknowledge emotions and try to understand their source (understand that all feelings are valid even if you do not agree or understand them).
- Allow the other side to express their emotions.
- Try not to react emotionally to another's emotional outbursts.
- Symbolic gestures such as apologies or expressions of sympathy can help to defuse strong emotions.
- Actively listen to the other party (give the speaker your full attention, occasionally summarizing the speaker's points to confirm your understanding).
- When speaking direct your speech toward the other party and keep focused on what you are trying to communicate.
- Think of each other as partners in negotiation rather than as adversaries.

Applying the above in resolving the constitutional dispute of demand for State Police by States, the Federal government should try to understand the viewpoint of the States which is to find a solution to the problem of insecurity; and should not have to assume that the States will abuse State Police if granted. Furthermore, the Federal government should create proposals appealing to the States geared towards solving the problems of insecurity; and understand that the emotions, passions and need of the States to provide security for the lives and properties of its citizens are valid. The parties should think and see themselves as partners in negotiation rather than as adversaries.

2. Focus on Interests not Positions- interests, concerns, principles, etc

When a problem is defined in terms of the parties' underlying interests it is often possible to find a solution which satisfies both parties' interests. All people will share certain basic interests or needs, such as the need for security and economic well-being. To identify, understand, and deal with both parties' underlying interests you must:

- Ask why the party holds the positions she or he does, and consider why the party does not hold some other possible position.
- Explain your interests clearly.
- Discuss these interests together looking forward to the desired solution, rather than focusing on past events.
- Focus clearly on your interests, but remain open to different proposals and positions.

In applying the above principle in resolving the constitutional dispute of demand for State police by States, the Federal government should focus on its shared interests with the States to resolve the problems of insecurity rather than focusing on its position as the first tier of government only bestowed with the constitutional powers to establish Police for the federation. While the States are seen as the second tier of government without constitutional backing for State Police.

3. Invent Options for Mutual Gain- expanding the pipe- orange- other oranges or substitutes for mutual gains, satisfies each parties interests, don't be judgmental, list options, frame proposals to suit sensibilities, etc

Fisher and Ury[13] identify four obstacles to generating creative problem solving options:

(1) Deciding prematurely on an option and thereby failing to consider alternatives;

(2) Being too intent on narrowing options to find the single answer;

(3) Defining the problem in win-lose terms; or

(4) Thinking that it is up to the other side to come up with a solution to the party's problem.

The authors[14] also suggest four prescriptions for overcoming these obstacles and generating creative options as follows:

(1) Separate the process of inventing options from the act of judging them;

(2) Broaden the options on the table rather than only look for a single solution;

(3) Search for mutual gains; and

(4) Invent ways of making decisions easy.

In applying the above principle of negotiation in tackling the constitutional dispute of States' call for State Police, both parties, i.e the Federal government and the State governments should not at this stage take the decision that the Nigerian Police is the only option for the protection of lives and properties of the citizens thereby narrowing options in finding solutions to the dispute. Rather, options for solution should be broadened. For instance, is could be suggested by the Federal government to recruit more police officers with States contributing funds to run it with a particular percentage, e.g 65% of the Police force of a particular State extract, i.e indigene of that State posted back to it for mutual gains of both parties. While the States are made to contribute 25% to the funding of the Police.

To invent options for mutual gains, both parties should brainstorm for possible solutions to the problem of insecurity in the country. Proposals made for resolving the issue of insecurity should be evaluated, refined and improved to reflect shared interests of both parties, and where interests differ, seek options where those differences can be made compatible or even complementary.

[13]Fisher and Ury. 'Getting to yes: Negotiating Agreement without Giving In'. *Harvard Approach* <https://na.eventscloud.com/file_uploads/fd90f7b5575b6d9229dfb17bf132b299_ER2017_CollaboratingwithSchools_SandyMislow_Handout-PrincipledNegotiation.pdf?pix=sy_0_0> accessed on the 31st of October, 2020.

[14]*Ibid*.

Decision makers between the parties should be targeted with proposals directly in reconciling different interests seeking out items that are of low cost to the States and high benefit to them, and vice versa.

4. Insist on Using Objective Criteria- fair agreement

When interests are directly opposed, the parties should use objective criteria to resolve their differences. Allowing differences to spark a battle of egos and wills is inefficient, destroys relationships, and is unlikely to produce wise agreements. The remedy is to negotiate a solution based on objective criteria, independent of the will of either side. Parties must first develop objective criteria that both parties agree to. Criteria should be both legitimate and practical, such as scientific findings, professional standards, or legal precedent. To test for objectivity, ask if both sides would agree to be bound by those standards. Three points to keep in mind when using objective criteria:

1. Frame each issue as a joint search for objective criteria. Ask for the reasoning behind the other party's suggestions.
2. Reason as to which standards are most appropriate and how they should be applied; Keep an open mind.
3. Never yield to pressure, threats, or bribes – only to principles. When the other party stubbornly refuses to be reasonable, shift the discussion from a search for substantive criteria, to a search for procedural criteria.

In applying this fourth principle, both parties should focus on their joint objective interests to provide security of lives and properties of the citizens including business environments. Therefore, the underlying reasons for choices or decisions made should be on established standards most appropriate to apply without yielding to blackmail, threats, pressure or bribes, but only to principle. Here, since Nigeria is operating a federal system of government, the standards obtainable in the practice of a federal system of government should be applied. For instance, the United States of America which practices a federal system of government has State police for its federating States even up to County police (equivalent to Nigeria's Local government). Hence, this could serve as a standard to go by to appropriately address the issue of demand for State Police and resolving the problem of insecurity of lives and properties in Nigeria without yielding to the pressures, threats, fears, etc expressed by parties regarding restructuring to grant State Police to the States.

It is important to bear in mind that this type of political negotiation does not have to be overly contentious or personal. The person you negotiate with today may be your close political ally tomorrow. Additionally, a person's reputation in politics may be shaped by his reputation as a negotiator.

Therefore, it is important for the political negotiator in this instance to think of a bigger picture, be rational and reasonable in his negotiation applying the principles of People, Interests, Options, and Criteria set forth above.

3.0 Collaborative Negotiation?

According to Selena McLachlan[15], Collaborative negotiation – also called constructive, principled or interest-based negotiation – is an approach that treats the "relationship" as an important and valuable element of what is at stake, while seeking an equitable and fair agreement as opposed to always conceding in order to sustain the relationship.

Needless to emphasize that there is a need for the Federal government of Nigeria to recognize the interests of States that make up the component parts of Nigeria and be concerned about maintaining the relationship of those component part States as a valuable element of what is at stake in the dispute while seeking equitable and fair resolution instead of conceding in the face of blackmail or threats in order to sustain the relationship.

3.1 Approaches to Collaborative Negotiation

3.1.1 Win-win

A "competitive" approach to negotiation assumes a fixed pie, zero-sum, win-lose situation. In collaborative negotiation, it's essentially assumed that the pie can be enlarged by finding things of value to both parties, creating a win-win situation, so that everyone leaves the table feeling like they have gained something of value. For instance, granting State Police to the States, with the Federal government relieved of the burden of funding but provides training, while the State governments undertake the duty to fund the State Police and protect federal government institutions across the States.

3.1.2 Fair-process

Unlike most of the animal kingdom, we humans have a profound and deep need for fairness. And when this does not happen, even if we are the ones emerging as "winners" from a competitive negotiation, the end result is often not truly satisfying. A better feeling, and result, occurs when our needs are met; including the need for fairness. Hence, it is important that the process of negotiation and outcomes must be fair to both the States and the Federal government of Nigeria.

3.1.3 Joint problem-solving

A collaborative approach to negotiation strives to convert individual wants into a single problem, bringing both parties together to work on solving the problem. The theory stems from the notion that by converting individual positions, wants and desires into separated problems, the negotiators are able to free themselves of any jealously or personal attachment to their requirements, in order to take a more objective and equitable position to collaborate from. Here, both parties should convert their varying interests and sum them up as the problem of insecurity to be resolved. This will help the negotiators take a more objective and equitable position to collaborate and come to a lasting solution. Here, the States and the Federal government should see the problem of insecurity as their problems and not just the problem of one of the parties.

[15]Selena McLachlan, 'Collaborative Negotiation: 6 Important Reminders about this Win-Win Approach'. *Thought Exchange* (October 10, 2014) <https://www.thoughtexchange.com/collaborative-negotiation-6-important-reminders-about-this-win-win-approach/> accessed on the 31st of October, 2020.

3.1.4 Transparency and trust

While it may not be possible or necessary to give away all of your information, there is little tolerance for deceptive practices in collaborative negotiation. Moreover, gaining trust will be next to impossible. A simple way to eliminate suspicion is to be open and transparent, giving out most or all of your information (i.e. your wants, desires, end goal) before the other party requests it. Both parties must come clean in finding solution to the problem of insecurity in Nigeria.

3.1.5 Dealing with competitive negotiators

So what happens when not everyone is playing by the same rules? Indeed, a huge challenge can occur if one party takes a competitive approach, and tries to take advantage of the other party's desire to collaborate. Sometimes we are even perceived by competitive negotiators, to be weak. A proven way to deal with this type of situation is to be assertive and remain calm. Fend off fight-or-flight reaction, recap interests and summarize the interests of the other party. The States should offer up a bit of an olive branch, while staying strong. And perhaps most importantly, know in advance what their BATNA is (back-up alternative to negotiated agreement), and demonstrate that they are prepared to use it. For example use of Local Security measures by the States if the negotiation for grant of State Police fails.

BATNA for the States might also be in the recent agitation for secession; and on the part of the Federal government, threat by the Federal government to withhold revenue allocation to erring States. It is worthy to note that, being a collaborative leader does not mean being weak or giving in. On the contrary, a collaborative approach seeks to gain the best possible solution for all. A true win-win situation. As politicians, this will mean that parties to the dispute walk away feeling like a winner.

4.0 Using Principled Negotiation to Resolve Disagreements[16]

Principled negotiation involves drawing on objective criteria to settle differences of opinion. Principled negotiation allows you to leverage the principles of your opponent to win a negotiation. Parties can often reach a better agreement through integrative negotiation—that is, by identifying interests where they have different preferences and making tradeoffs among them.

For example, the Federal government in granting State Police to the States may decide that the State Police be subject to the supervision of the Federal Police in order to allay its fears of the States abusing the use of State Police. Hence, the States' interest for State police and the interest of the Federal government against abuse of State Police have been met. Both parties leave the negotiation table satisfied and happy, saying "yes" without giving in, maintaining good relationship, etc

On the other hand, if the Federal government has insists on not granting State Police to the States for fear of abuse while the States insists on grant of State Police to resolve the problem of insecurity, both would have been engaged in positional negotiation.

[16]Katie Shonk, 'Using Principled Negotiation to Resolve Disagreements'. *Dispute Resolution Program on Negotiation, Havard Law School*. April 5th, 2021<https://www.pon.harvard.edu/daily/dispute-resolution/principled-negotiation-resolve-disagreements/> accessed on the 30th of June, 2021.

It is worthy to note that when negotiators disagree about an issue, consulting objective criteria can be a lot more productive than adversarial bargaining. In principled negotiation, negotiators rely on objective criteria, a fair, independent standard to settle their differences. For example, both parties might agree to abide by standards such as security reports, expert opinion, police international best practices, police establishment and operations in federal system of government obtainable and practiced in other jurisdictions, or law, etc. Importantly, parties should agree in advance about which objective criteria to consult and agree to abide by the outcome. Roger Fisher, William Ury, and Bruce Patton[17] refer to this approach as *principled negotiation* because it involves drawing on principles rather than making opinion-based arguments.

The more you bring standards of fairness, efficiency, or scientific merit to bear on the parties' particular problem, the more likely to produce a final outcome that is wise and fair[18].

It is suggested that standards to be used in negotiating the grant or otherwise of State Police, being a constitutional dispute in the call for restructuring should include multiple principles and criteria available for consultation to base both parties agreement on[19]:

- Security reports
- Expert opinions,
- Police international best practices
- Police establishment and operations in federal system of government obtainable and practiced in other jurisdictions
- Law
- Precedent
- Scientific evidence of studies on Security and Police operations in a federal system of government
- Professional, industry, or ethical standards on Police operations
- Standard security operation manuals
- Cost estimates
- Legal rulings
- Traditions

4.1 Putting Principled Negotiation into Practice

How principled negotiation will work in settling the constitutional dispute of demand for State Police between the States and the Federal government of Nigeria:

[17] Roger Fisher; William Ury; and Bruce Patton**,** *'Getting to Yes: Negotiating Agreement Without Giving In'* (Penguin,. 2nd edition, 1991). <https://na.eventscloud.com/file_uploads/fd90f7b5575b6d9229dfb17bf132b299_ER2017_CollaboratingwithSchools_SandyMislow_Handout-PrincipledNegotiation.pdf?pix=sy_0_0> Accessed on the 31st of October, 2020.

[18] *Ibid*.

[19] See also, Fisher, Ury and Patton. (n17).

When negotiating with objective criteria, the following three guidelines have been suggested[20]:

1. **Frame each Issue as a Joint Search for Objective Criteria.**
   Despite conflicting interests, both parties have a shared goal to determine a fair outcome which is to resolve the problem of insecurity. There should be a focus on shared principles that both sides find compelling and the criteria chosen must not be influenced by, or biased toward, one party or the other. For example, if there is a need to seek legal opinion in respect of establishment and operation of State Police in Nigeria, it will be more acceptable to both parties to seek out a lawyer who has no past association with either party or clear bias toward one party's perspective. Here, it is likely that the legal opinion of the Attorney General of the Federation in respect of establishment and operation of State Police will not be acceptable by the States due to their perceived non-favourable disposition of the Federal government for State Police and the fact that the Attorney General of the Federation is an agent of the Federal government.

2. **Be Reasonable about which Standards are most appropriate and how to apply them.**
   When both parties are presenting possible criteria, they should keep an open mind. If each party advocates for a different standard, an objective basis on which to choose which is more appropriate, such as which is more widely used should be looked out for and chosen. Alternately, a compromise between the outcomes from two different standards suggested by both parties can be reached. Finally, a neutral third party could be requested to choose a standard for the parties.

3. **Yield to principle, not Pressure.**
   Pressure can take many forms: blackmail, a bribe, a threat, a manipulative appeal to trust, or a simple refusal to budget or withholding of revenue allocation of funds to States[21]. Such power tactics in negotiation can be hard to resist. If one party is pressuring the other party to accept a standard that is viewed to be illegitimate, and such a party refuses to listen to reason, the other party should not give in.

When areas of disagreement are discussed through the lens of independent standards with legitimacy, the common temptation to defend a party's own position and tear down the other party's position is avoided. In the process, there is an increase in the possibility of harmony between the parties both in the short term and during the life of any agreement reached.

5. Conclusion/Recommendation

Don't Forget Your BATNA or WATNA

Parties involved in principled negotiation need to remember that their goal is not just to reach an agreement. Rather, their goal is to reach an agreement that would make them better off than their

[20] Roger Fisher; William Ury; and Bruce Patton, *'Getting to Yes: Negotiating Agreement Without Giving In'* (Penguin, 2nd edition, 1991). <https://na.eventscloud.com/file_uploads/fd90f7b5575b6d9229dfb17bf132b299_ER2017_CollaboratingwithSchools_SandyMislow_Handout-PrincipledNegotiation.pdf?pix=sy_0_0> Accessed on the 31st of October, 2020.

[21] *Ibid* (n 20).

BATNA, *best alternative to a negotiated agreement*. Negotiators need to assess their BATNA and work to improve it both during their preparation and throughout the course of deal-making.

The stronger a party's BATNA, the more such a party can ask for in the current negotiation. For example, the States might decide to clamor for secession from the country or engage private security outfit if the demand for State police fails. If the parties at the negotiating table have thoroughly explored their interests and options, there is no shame in walking away from a negotiation that does not meet the party's interests as well as its BATNA does.

WATNA, worst alternative to a negotiated agreement should also be considered in persuading a shift in position during negotiation. For example, the worst alternative for the Federal government in refusing to grant State Police to the States maybe putting the issue of security in the hands of the Citizens to defend themselves, which will be more chaotic and against the CFRN[22].

The writer recommends the application of the principled/collaborative negotiation principles and practice by the Federal government of Nigeria in the settlement of the ever lingering dispute of State demand for State Police by the Southern States of the federation. This will ensure a Win-Win situation and guarantee a lasting peaceful co-existence and good relationship between the federal government and the States. Ultimately, restoration of security of lives and properties will guarantee security of business environment and create an enabling environment for businesses in Nigeria to thrive.

[22] Ibid (n 1)