

Fall 2015
CAS IR 528: International Negotiations
Tuesdays and Thursdays 12:30-2:00

**“Let us never negotiate out of fear. But let us never fear to negotiate.”
- John F. Kennedy**

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Office Hours

Tuesday: 2:00-4:00
Wednesday: 10:30-12:30
Thursday: 2:00-4:00
Other days/times by appointment

Course Outline

When most people think of international negotiations, the image of diplomats facing off across felt-covered tables, sitting behind placards and flags, often comes to mind. While accurate as far as it goes, this vision only touches a small fraction of the world of international negotiations. This course will examine principles that are particularly relevant to negotiations among governments, the legal underpinnings of international agreements, negotiating dynamics, the unique characteristics of multilateral negotiations, and the special challenges of mediation. We will also conduct several exercises, including a multi-day negotiating exercise based on a heavily modified (alternative) history of the 1919 Paris Peace Talks. The course will be primarily American-centric in outlook, but will also offer other perspectives.

After the introductory class, we will immediately jump into our first exercise and discussion. The next three sessions will set the stage by discussing principles and complexities of negotiation, the effect of national and organizational culture on negotiating behavior, and the U.S. and international legal underpinnings of international agreements. We will follow with three sessions on two of the most important, but often under-looked, components of negotiation: preparation and pre-negotiation. Two classes will be devoted to a consensus-building exercise and discussion. From there, we will spend two classes on negotiation dynamics followed by a bilateral team negotiation exercise and discussion. A discussion of the special challenges of multilateral negotiations will be followed by the mid-term examination. Next we move into a five-day negotiation exercise (explained below) and discussion. The following session will examine mediation efforts, followed by a short exercise and discussion. The last two sessions will cover implementation of agreements, and a review and conclusions.

Grades will be based on class participation (overall and in the exercises), the mid-term exam, short papers on each of the exercises, and an analysis paper.

Special Remarks

As this class will be run as a seminar with an emphasis on discussion and participation, students are expected to attend and participate fully in all classes except in case of a valid excuse (i.e. personal illness). **This is particularly true for the exercises: missing these class sessions not only deprives you of a major learning tool but disadvantages your fellow students as well. Missing an exercise will result in a failing grade for that exercise.** Please e-mail me in advance of any absence. Students should do the required readings before class, as they will provide the context and point of departure for the day's discussion. Lecture notes will be posted on Blackboard at the end of the class. Note, however, that these notes are merely guidelines for the day's discussion and are no substitute for attendance.

Students should also peruse a quality daily such as the *New York Times* or *Washington Post*, along with a weekly such as *The Economist*. Class discussion will draw on events of the day to elucidate the lessons. Look for articles about on-going or potential international organizations, including "pre-negotiations." Don't neglect the business sections: trade negotiations are often covered there rather than in the front section.

Academic Misconduct

All class members are expected to maintain high standards of academic honesty and integrity. You are expected to provide citations in papers for all quotations, paraphrases, and ideas taken from any source other than your own original thoughts. Boston University has very strict standards for intellectual integrity, and punishment for plagiarism is severe, and can include permanent expulsion from the university. For more on the definition of plagiarism and the standards to which you will be held, see the CAS Academic Conduct Code, available at <http://www.bu.edu/academics/resources/academic-conduct-code/>

Required Texts

We will draw extensively on these texts, which will be available at the BU Barnes and Noble bookstore or through other booksellers. You can find used copies of all of them.

- Colosi, Thomas *On and Off the Record*, Kendal Hunt Publishing, Dubuque, 1993
- Soloman, Richard (ed) *American Negotiating Behavior*, United States Institute of Peace, Washington, 2010
- Fisher, Roger and Ury, William *Getting to Yes*, 3rd Edition, Penguin, New York, 2011
- Breslin, J and Zubin, Jeffrey (ed) *Negotiation Theory and Practice*, Program on Negotiation Books, Cambridge 2010

Additional readings will be posted on Blackboard and are noted in the syllabus.

Grading Distribution

Analysis Paper	25%
Mid-Term Examination	15%
Exercise 1 participation	5%
Exercise 1 paper	5%
Exercise 2 participation	5%

Exercise 2 short paper	5%
Exercise 3 participation	5%
Exercise 3 paper	10%
Exercise 4 participation	5%
Exercise 4 paper	10%
Exercise 5 participation	5%
Exercise 5 paper	5%

Analysis Paper (25%)

Choosing from the list of negotiations provided on the last page of the syllabus (students may choose a different topic with instructor permission), students will provide an analysis of the negotiations using concepts covered in the course. The paper must cover three elements: a) the context of the negotiations; B) potential BATNAs available to the parties*, and; C) application of one of the concepts discussed during the course. (*The concept of BATNA predates many of these negotiations. Nevertheless, students are to provide at least one reasonable BATNA for each of the parties.)

Students are strongly encouraged to discuss this paper with me, both when they choose their topic and over the course of the semester. NOTE: More than one student may write on the same negotiations.

Undergraduates are required to produce a paper of 1500-2500 words and graduates of 3000-4000 words (exclusive of footnotes and bibliography). Please submit the paper in Word format (Times New Roman 14 pt., 1.5 line spacing) by e-mail only (rgloftis@bu.edu) by 5:00pm on Tuesday, December 1. Late papers will receive a one half-letter grade reduction per day. Check for a return e-mail from me indicating that I have received the paper and have been able to open the document. It is your responsibility to ensure the paper has been received.

Exercises

Grades for the exercises will be based on active participation in the exercise and discussion, and on a short “reflections paper. At the end of each exercise, students will be asked to step back from their roles as negotiators and assume the role of observers as we analyze the processes and dynamics of the negotiations. Each exercise will have its own “reflections” paper, which must be submitted by e-mail only to rgloftis@bu.edu. Use the same format as the research paper. No footnotes or bibliography are required. Because of the brevity of these papers (page lengths are maximums), you will need to focus on the essentials rather than filler. More explanation will be provided on the first day of class.

Negotiations Exercise 1 (5% and 5%)

This will be an in-class exercise in which students will negotiate one-on-one with partners to examine basic negotiating principles. You will also be required to write a two-page “reflections” paper on what you learned about your own approach to negotiations. Papers are due by 5:00 pm on Thursday, September 10.

Negotiations Exercise 2 (5% and 5%)

Students will take on the roles of an embassy country team coming to a consensus to decide which projects to fund through the Ambassador's Self-Help Fund. Instructions and roles will be assigned at the end of the class preceding the exercise. A two-page paper on the challenges of reaching consensus is due at 5:00 pm on Thursday, October 8.

Negotiations Exercise 3 (5% and 10%)

Students will be divided into teams to conduct a bilateral negotiation. Instructions, assignments and roles will be provided in the class preceding the exercise. The three-page "reflections" paper on internal team dynamics will be due at 5:00 pm, Thursday, October 29.

Negotiations Exercise 4 (5% and 10%)

The negotiation exercise is based on an *alternative* history of the Paris Peace talks of 1919. (Those familiar with the actual events will immediately recognize that I have taken substantial liberties.) Students will be divided into teams and assigned roles representing the ministries of war, the navy, foreign affairs, finance and other key players. You will have both team and individual instructions. This is not a history lesson: the goal is not to replicate the Treaty of Versailles but to experience multilateral negotiations.

Students also will be required to write a three-page analysis of the process, due by 5:00 pm, Tuesday, November 24. Focus on one facet and discuss how that helped or hindered the negotiations. Remember, this is an analysis, not a chronological description of the negotiations.

Assignments and detailed instructions will be provided in the class before the start of the exercise.

Negotiations Exercise 5 (5% and 5%)

The class will be broken into four teams: three countries with a territorial dispute and a team of mediators. For those representing the countries, the two-page reflections paper should discuss the advantages of using a mediator versus negotiating directly. For the mediators, your two-page paper should reflect on the challenge of representing others' interests rather than your own. This paper is due at 5:00 pm on Tuesday, December 8.

Mid-Term Examination (15%)

The mid-term will be a combination of short answer and true-false (with explanation) questions covering concepts and definitions. It will encompass material covered up to the time of the examination.

Course Schedule

Thursday, September 3

- *Introduction and Course Overview*

Tuesday, September 8

- *Negotiation exercise and discussion*

Thursday, September 10

- *Principles and Complexities*
 - Colosi: pages 1-33
 - Fisher and Ury: pages 1-82
 - Breslin and Rubin: pages 3-11
 - Watkins, Michael: *In Theory: Negotiating in a Complex World*, Negotiation Journal, 1999: pages 245-269 (Blackboard)

Tuesday, September 15

- *Culture and Negotiating Behavior*
 - Solomon: pages 3-38, 189-277 and 279-289
 - *Cross Cultural Communication Skills for International Business Executives*, Special Report, Program on Negotiation, Harvard Law School: pages 1-8 (Blackboard)
 - USIP Special Report: French Negotiating Style (Blackboard): pages 1-6
 - USIP Special Report: Negotiating with the Islamic Republic of Iran (Blackboard): pages 1-16
 - Breslin and Rubin: pages 235-250

Thursday, September 17

- *The Authority to Negotiate*
 - Text of The Vienna Convention on the Law of Treaties: pages 1-31 (Blackboard)
 - Zemanek, Karl: *Vienna Convention on the Law of Treaties*, UN AudioVisual Library: pages 1-5 (Blackboard)
 - Garcia, Michael John: *International Law and Agreements: Their Effect Upon U.S. Law*, Congressional Research Service, 2010 (Blackboard)
 - 11 Foreign Affairs Manual 720: Circular 175 Authority: pages 1-18 (Blackboard)
 - Circular 175 Procedures: Department of State, Office of the Legal Advisor: pages 1-2 (Blackboard)
 - Model 175 Memorandum: Department of State: pages 1-12 (Blackboard)
 - Treaties in Force of the United States (TIF): Department of State, Office of the Legal Advisor (Download available via Blackboard) (Browse to see the range of bilateral and multilateral agreements to which the U.S. is a party. Take special note of the introduction's definition of "treaties.")

Tuesday, September 22

- *Preparing to Negotiate: your team and the draft*
 - Colosi: pages 33-50
 - Browning James: *Leading at the Strategic Level*: pages 283-291 (Blackboard)
 - Breslin and Rubin: pages 57-79
 - Solomon: pages 123-152

Thursday, September 24

- *Preparing to Negotiate: pre-negotiations*
 - Berridge, G.E.: *Diplomacy: Theory and Practice*: pages 29-45 (Blackboard)
 - Breslin and Rubin: pages 181-193

Tuesday, September 29

- *Understanding your and Their BATNAs (Best Alternative to a Negotiated Agreement)*
 - Fisher and Ury: pages 97-109
 - Browning: pages 292-304 (Blackboard)

Instructions for the consensus-building exercise will be distributed at the end of class.

Thursday, October 1

- *Consensus-building exercise*

Tuesday, October 6

- *Exercise discussion*

Thursday, October 8

- *Negotiating Dynamics: at the table*
 - Colosi: pages 51-112
 - Fisher and Ury: pages 109-145
 - Berridge: pages 46-71 (Blackboard)
 - Solomon: pages 47-85

Tuesday, October 13

- **NO CLASS**

Thursday, October 15

- *Negotiating Dynamics: away from the table*
 - Solomon: pages 93-122

Instructions for the next exercise will be distributed at the end of class.

Tuesday, October 20

- *Bilateral team negotiations Day 1*

Thursday, October 22

- *Bilateral team negotiations Day 2*

Tuesday, October 27

- *Exercise discussion*

Thursday, October 29

- *Multilateral Negotiations: Complexity Cubed*
 - Anonymous: The Rules of Multilateral Diplomacy (Blackboard)
 - Berridge: pages 146-166 (Blackboard)
 - Breslin: pages 389-398
 - Solomon: pages 85-92
 - Breslin: pages 351-366

Tuesday, November 3

- *Mid-term Examination*

Note: Assignments and instructions for the multilateral exercise will be handed out at the end of the mid-term.

Thursday, November 5

- *Multinational Negotiations Exercise*

Tuesday, November 10

- *Multinational Negotiations Exercise*

Thursday, November 12

- *Multinational Negotiations Exercise*

Tuesday, November 17

- *Multinational Negotiations Exercise*

Thursday, November 19

- *Negotiations Exercise discussion*

Tuesday, November 24

- *Mediation*
 - Crocker, Chester (ed): *Herding Cats: Multiparty Mediation in a Complex World*: Introduction, Chapters One and Two (Blackboard)
 - Colosi: pages 89-93
 - Breslin: pages 419-428

Tuesday, December 1

- *Mediation Exercise*

Thursday, December 3

- *Mediation Exercise discussion*

Tuesday, December 8

- *Implementation*

Thursday, December 10

- *Conclusions and Review*
 - Solomon: 293-314

Suggested Paper Topics (other topics subject to approval by instructor)

Note: more than one student may choose any of these topics.

- Munich Treaty (1938)
- Paris (Vietnam) (1973)
- Cuban Missile Crisis (1962)
- UN Convention on the Law of the Sea (1982)
- Camp David Accords (1979)
- Oslo Accords (1993)
- Algeria and the Iran Hostage Crisis (1980)
- Mozambique Peace Agreement (1992)
- Dayton Accords (1995)
- Doha Round (2001-present)
- U.S./Iraq SOFA (2008 and 2011)
- Kyoto Protocol (1997)
- International Criminal Court (1998)
- German Reunification (1990)
- Creation of South Sudan (2012)
- Darfur Cease Fire (2010)
- Anti-Ballistic Missile Treaty (1972)