

NEGOTIATION ANALYSIS MEMORANDUM

In the Negotiation Analysis Memorandum, you will apply the conceptual framework we have covered in the first few classes to analyze a real negotiation situation. **The purpose of this first paper is to provide an analytic foundation for understanding the negotiation from a *non-partisan, i.e., evenhanded or impartial, perspective***, and to provide a foundation for developing a negotiation strategy in the second paper. The paper may not exceed 3500 words in length. Please submit your paper in MS Word format.

As a reminder, when choosing your topic, ensure that:

- The conflict/negotiation is ongoing; in other words it is a current, unresolved negotiation *and* has the possibility of negotiations on the horizon;
- The negotiation theory may be applied strategically by at least one of the parties;
- You can bound your analysis to 1-2 issues involving 2-3 parties within the context of the conflict you have chosen (e.g. if you choose the negotiations on the Grand Renaissance Dam in Ethiopia, you might focus on the operational issues of filling the Dam and therefore the parties you select would be Ethiopia, Egypt and Sudan);
- International, i.e., crossing borders, or is something that is of international concern.

REQUIRED ELEMENTS OF THE MEMORANDUM

Following are the required elements of the Negotiation Analysis Memorandum. The “Negotiation Analysis Worksheet” reflects these analytic elements and provides a tool to facilitate applying the concepts to the negotiation you have chosen to work on.

I. SYNOPSIS OF CONFLICT/NEGOTIATION

Please write a brief synopsis (maximum 2 paragraphs) of the conflict or negotiation you are analyzing, summarizing the main facts and developments in the conflict or negotiation so that the reader can understand the broad context. This section should not provide a *comprehensive* description of the conflict or negotiation situation or its history; any further information about the history of the conflict or the parties you believe is important to understand should be incorporated into the other sections of the analysis (e.g., parties, issues, interests, etc.) as part of your analysis and conclusions.

II. ISSUES FOR NEGOTIATION

Identify the main issues in the negotiation, i.e., the topics/subjects on which agreement is needed. Note that these are not the same thing as the parties’ positions, their interests or grievances, or a statement of what the problem or conflict is. For example, “maintaining safety,” “increasing security,” and “limiting the role of peacekeeping troops” are not issues, they are interests or positions. In contrast, “role and mandate of peacekeeping troops” is an issue. Each party may frame the issues in conflict differently, and the parties may want to address different issues. To the extent it is significant, address the impact of any differences in issue definition between/among the parties. Also consider which issues are most important for each party (and any differences).

III. SIGNIFICANT PARTIES TO THE CONFLICT/NEGOTIATION

As relevant to your specific conflict and based on the issues you outlined above, identify the following:

- The primary *parties* to the conflict (who are or may be “at the negotiation table”) and who will negotiate the issues you’ve identified. Briefly describe major *factions* or players within each primary party, the nature of their leadership, and the relationships between/among them as they relate to this negotiation.
- If relevant, provide a brief background on:
 - *Secondary parties*, i.e., actors not at the table but who may have a stake in the conflict and/or may influence the behavior of one or more of the primary parties. These actors may be either constructive contributors to or potential “spoilers” of a negotiated agreement;
 - Those parties who may be attempting to facilitate or mediate resolution of the conflict.

Note that where possible, please try to identify individuals and not just entities (e.g., departments, ministries, organizations, etc.).

IV. ANALYSIS OF PARTIES’ PERSPECTIVES

1. Positions

Briefly identify each party's positions (preferred solution or articulated demands) with respect to each of the issues you identified. You might use actual quotations, press releases, etc. to relay the parties’ positions.

2. Interests

This is one of the most important parts of your paper. You should allot plenty of space to this section.

Explore and prioritize each party's major interests (i.e., their needs, wants, fears, hopes or concerns, both tangible and intangible) underlying each of the positions you identified in the previous section. Pay particular attention to deeper interests – survival, identity, etc.

To help you think in terms of each party's interests, take each “position” they have demanded on each issue and ask yourself: “why do they want this?” “Why does the party want what it is demanding? Why is the other side's position unacceptable?” You may want to begin each interest statement with terms such as: “Needs...”, “Wants...”, “Is concerned about...”, “Fears...”, “Hopes for...”. These may be educated guesses as you may not find sources describing each party’s underlying motivations on each of the issues you’ve identified. You are asking yourself, “given my understanding of this party and the context for this negotiation, this party’s interests include...”

In identifying interests, check if you have fallen into any of the common “traps”:

- Disguised positions or dead-end interests. If your statement of an interest leads only to one solution (e.g., party A is “interested in preventing B’s ships from entering their claimed territorial waters”), it may be a disguised position. Try to dig deeper and ask why they prefer this. Similarly,

if an interest you identified leads only to one party's advocated solution, then continue to dig deeper.

- The "we're good/they're bad" trap. If your statement of interests portrays one side as "bad" or having evil intentions (e.g., "their interest is to overthrow our government", or, "they want to destabilize our government"), you may be falling into this trap. Think about why one party may view the other as bad or evil. Remember, at this stage, you are trying to be as impartial as possible and analyze the conflict or negotiation from both (or all) sides' point of view.
- Overgeneralizing interests. If you are too general in your identification of interests, it will later be harder to invent good options. Try to be as specific as possible about the interests. For example, if you identify an interest in "security," you might ask what aspect of security is of most concern to that party, what does the party fear will happen or hope will happen in that context, etc.

When each party's interests have been considered fully, try to identify each side's most important interests and priorities, common interests between the sides, opposing interests between the sides, and different but complementary interests between the sides.

3. Alternatives

Consider each party's BATNA ("Best Alternative to a Negotiated Agreement," i.e., what each side would do to meet its interests if agreement is *not* reached). In other words, what does each party believe it could or would do unilaterally - or with parties other than these negotiation counterparts - to meet their interests? Considering the interests you have identified, how attractive is this BATNA to each party? At what point might it be more attractive for each party to walk away from the negotiation?

V. COMMUNICATION AND RELATIONSHIP-BUILDING

Address the history and current state of the relationship and communication among the parties.

- What is the current state of the parties' relationship? How is the relationship affecting the negotiations? If there is no relationship, or if the relationship is not good, what are the causes? What has been or is being done to address the relationship (e.g., confidence-building measures, Track II diplomacy, informal meetings, etc.)? How successful or useful have these efforts been
- Do the parties have different perceptions of the past, of the substance of the negotiation (what the conflict or situation is about), or about the issues? What are the parties' perceptions of each other? How might these perceptions be relevant to or affect the negotiations?

VI. OBJECTIVE STANDARDS/CRITERIA

Consider whether there are objective standards/criteria that are relevant. What are the existing standards to which the parties can point to ensure that a potential agreement is fair? For example, what international or regional treaties or agreements, resolutions, precedents, or international or national laws can they reference? And, which standards might be persuasive to the parties or facilitate agreement on issues where interests are divergent? What standards might the parties disagree about, and how might that complicate the process?

Important note: at this stage we do not ask you to start developing OPTIONS for the parties or suggest what should be done. In normal circumstances, this too would be part of the analysis, but we would like you to focus on developing a deeper analysis of interests, BATNAs, objective standards/criteria and relationships. You should also refrain from suggesting what needs to be done to move the negotiation forward. You will be asked to develop options and to analyze obstacles to negotiation in your second paper, the Negotiation Strategy Advice Memorandum, later in the semester.

WRITING GUIDELINES AND ASSESSMENT CRITERIA

As you will be analyzing a current or prospective negotiation, we do not expect that you will be able to find direct sources regarding the parties' interests, BATNAs, objective standards/criteria they might be considering, etc. You will need to make reasonable inferences from material that is publicly available (e.g., news sources, public statements and interviews by the parties, academic and policy analyses, etc.). At the same time, we expect that you conduct in-depth research, using *multiple* sources of data/information to draw your conclusions. It is *not* sufficient to rely on your understanding of the conflict or negotiation, or to rely on two or three websites or articles/books for the research that will be the basis for your analysis. This Memorandum is essentially a mapping of the terrain—i.e. an impartial analysis that seeks to understand the perspectives of all sides; as everyone has their own bias, an impartial analysis will only be possible if you have consulted multiple sources from different perspectives.

Although this is a negotiation memo, and not a traditional research paper, we do expect you to cite the sources of information/data that inform your conclusions fully. When you draw conclusions about the positions, interests, alternatives, etc. of the parties, we expect that you will explain and cite the evidence that have led to your conclusions. Please use footnotes and include a bibliography using correct citation form. The Ginn Library has a citation guide (based on the Chicago style of citation); the Chicago Manual can be found at <http://www.chicagomanualofstyle.org>. They also offer workshops and one-on-one training with citation styles.

We will assess your papers based on the following criteria:

- Does the paper demonstrate an understanding of the negotiation concepts?
- Does the paper demonstrate an ability to *apply* the analytic framework to the specific facts and dynamics of the situation or context you have chosen to analyze, using the concepts and vocabulary of negotiation analysis?
- Does the analysis demonstrate a deep understanding of the perspectives of all sides, i.e., is it non-partisan? We should not be able to tell which side you favor.
- Is the paper well-researched? Does it use multiple sources reflecting multiple perspectives on the situation and the parties?
- Does the paper articulate (and cite) the evidence that backs up the analysis and conclusions, i.e. does it provide the rationale for how and why the conclusions drawn and cite the evidence it relies on?
- Is the paper clear and coherent? The flow of the argument should be clear, and the paper should be checked for grammar, typos, etc.