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## Interest-based negotiation and MUN : equipping youth with appropriate tools for a better World

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# Interest-Based Negotiation and MUN: Equipping Youth with Appropriate Tools for a Better World

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## ABSTRACT

This article defines what negotiation is and how it works in international diplomacy by applying interest-based negotiation. Based on the workshop conducted at the Global Negotiation Symposium in June 2017, the paper focuses on United Nations (UN) intergovernmental processes and examines how the UN has applied principles of negotiation. Reflecting on the author's practical experiences, it also discusses the implications of youth learning interest-based negotiation. It suggests how this approach can further be used in Model United Nations (MUN) conferences when negotiating global issues by mutually meeting national and global interests. To this end, practical guidance is offered as to how to prepare MUN delegates for conferences and their careers.

Keywords: negotiation interest-based negotiation diplomacy  
MUN simulations communication skills

# Interest-Based Negotiation and MUN: Equipping Youth with Appropriate Tools for a Better World<sup>1</sup>

Michiko KURODA

## 1. Introduction

Negotiation has been increasingly gaining importance in light of changing international relations and world politics. Under these circumstances, people need to understand each other and communicate with each other, identify issues together, and explore solutions in a collaborative manner. This is what student delegates do in Model United Nations (MUN) activities. The Global Negotiation Conference took place in parallel with the Japan University English Model United Nations (JUEMUN) in Kobe in June 2017, where some 300 students from various parts of the world gathered, discussed, and negotiated solutions for the world. The conference provided the opportunity to address various aspects of and approaches to negotiation. The present article focuses on interest-based negotiation or principled negotiation developed by Roger Fisher and William Ury (2011), examines the importance of applying interest-based negotiation in the MUN, and proposes how student delegates could put this into practice.

## 2. Objectives

The negotiation in this article refers to inter-governmental negotiation between or among the States or governments through diplomacy. Negotiation remains the most important function of diplomacy. Berrige (2010) argues, "...negotiation remains the most important function of diplomacy." The objectives the present article are as follows:

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<sup>1</sup> This article reflects the author's 30 years of working experience in the United Nations system and 6 years of teaching for National Model United Nations conferences (NMUN). This article contains the author's personal views and does not reflect the views of the United Nations or the NMUN.

- a) to clarify what interest-based negotiation or principled negotiation is, why interest-based negotiation, and how it works;
- b) to analyze the importance of using interest-based negotiation in current international relations; and
- c) to explore the possibility of teaching interest-based negotiation to students in the context of the MUN.

In this regard, this article refers to the discussion that took place at the workshop conducted at the Global Negotiation Conference in June 2017 in Kobe City (the “Workshop” hereinafter).

### 3. What it is and how it works

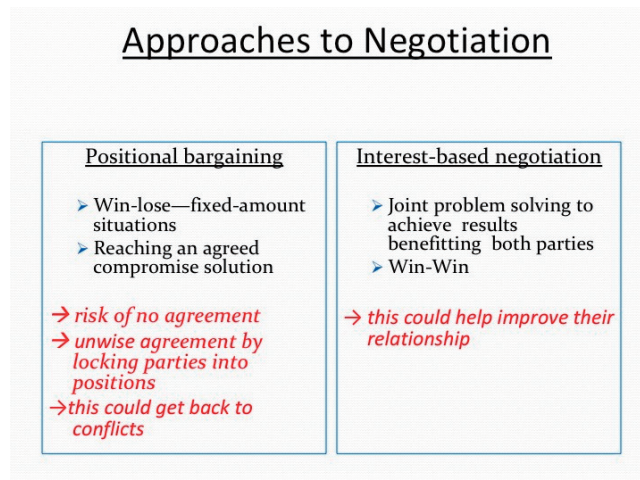
Fisher, Ury, and Patterson (2011) define negotiation as “a basic means of getting what you want from others. It is back-and-forth communication designed to reach an agreement when you and the other side have some interests that are shared and others that are opposed (as well as some that may simply be different)” (p. xxviii).

Noting that “people differ, and they use negotiation to handle their differences...,” the authors indicated that the negotiation approach that the paper takes is “principled negotiation” or “interest-based negotiation developed by the Harvard Negotiation Project<sup>2</sup>,” which involves deciding about issues on their merits,” and suggested “that you look for mutual gains wherever possible, and where interests, conflicts, you should insist that the results be based on some fair standards independent of the will of either side.”

Fisher and Ury (2011) emphasized that “the method of principled negotiation is hard on the merits, soft on the people.” Interest-based negotiation starts with interests—one’s own interest and the other parties’ interests—rather than bargaining over a fixed position. As a part of the Global Negotiation Conference, the Workshop discussed two major approaches to negotiation (see Figure 1).

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<sup>2</sup> It is now called the Program on Negotiation (PON) at Harvard Law School. The PON “is a consortium program of Harvard University, Massachusetts Institute of Technology, and Tufts University and serves as an interdisciplinary research center dedicated to developing the theory and practice of negotiation and dispute resolution in a range of public and private settings. PON’s mission includes nurturing the next generation of negotiation teachers and scholars, helping students become more effective negotiators, and providing a forum for the discussion of ideas.” See <https://www.pon.harvard.edu/>. The author was personally trained at the PON.



**Figure 1. Approaches to negotiation**

Positional bargaining uses a fixed amount or position as a basis. Therefore, the agreement reached could represent a compromise solution, creating a win-lose situation. In this method of bargaining, there is a risk of no agreement, or of returning to the conflict that had existed before. Meanwhile, interest-based negotiation considers the interest of both parties, exploring options to mutually satisfy the interests of the parties. This creates a joint problem-solving situation, leading to a win-win resolution. Such a negotiation process establishes trust among the negotiation parties and leads to the development of good and long-lasting relationships. A simple comparison of the two approaches demonstrates the importance of the selection of negotiation approaches and techniques.

The workshop also discussed a few conditions for successful negotiation, such as a) having faith with the negotiation on behalf of both parties; b) ensuring a balance of power between the parties; and c) having no security risks. These conditions are very important in the diplomatic negotiation process, because diplomacy is based on international law, where sovereignty plays a key role. What this means is that each nation respects the other's sovereignty. In a multiparty negotiation, nations must make sure to have a balance of power. In the context of the United Nations, there are several groups of nations, such as regional groups and developed or developing nations' groups (such as the Group of 8 or Group of 77), and others such as Friends of Mediation. Nations get together to form fronts so that they can negotiate with

appropriate power balances.

#### 4. Implications of Applying Interest-based Negotiation in Diplomacy

The workshop discussed “a) having the faith with the negotiation on both parties” as part of the key to a successful negotiation. As O’Neill (2011) indicates, “the United Nations bodies regularly call for good faith negotiations to settle specific disputes” by giving an example of January 12, 2001, “when the Security Council urged Yugoslavia and Croatia to negotiate in good faith their dispute over the Prevlaka Peninsula” (p. 11).

Diplomatic history has seen a number of failures in negotiations due to a lack of the faith in the negotiations. O’Neill gave international examples. One was the Camp David talks where the Palestinian representative claimed,

Barak was not negotiating in bad faith and was more concerned with dealing with Israel’s right wing. Within the definition this would be an appropriate statement if it applied to the government of Israel as definition a whole, but not to Barak, who was in a chain of negotiation and may have been doing his best with those he was facing at home. His coalition in the Knesset was fragile, and was unable to make certain concessions without losing his position. But if one can regard Israel as a negotiating entity and it is has no firm intention to make a deal, it can be accused of bad faith. (p. 11)

Another example was about the Falklands/Malvinas. Perez de Cuellar (1997) recalled,

In 1982, Britain had agreed in a memorandum of understanding that the Falklands/Malvinas would eventually be turned over to Argentina, but domestic developments in Britain made an agreement less politically attractive. Argentina concluded that Britain was stalling, and on March 1 put out a statement that unless negotiations were concluded promptly, it would solve the matter by the procedures that best accorded with its interest. (p. 11)

O'Neill (2011) points out that

...surface bargaining, the essence of bad faith, goes against a norm and can produce a strong response ... In May of 1982 UN Secretary-General Perez de Cuellar attempted to mediate the Falklands/Malvinas dispute, but a week later Britain increased its blockage of the Argentinean coast to twelve miles. The Argentinian government denounced it for lack of good faith since it was participating in mediation while taking further steps to win by force ...” (p. 11)

As he rightly points out,

Mediation is a form of indirect negotiation and requires good faith, and the principle involved here is an important one in both settings. Having agreed to negotiation or mediation, one should pursue a resolution within that framework and not by outside unilateral actions. (p. 11)

International negotiations have implications on diplomatic relations, as this is not necessarily about competition between interests. Rather, it is about meeting mutually satisfactory interests. Therefore, it is in the interest of the parties to apply interest-based negotiation in accordance with the norms.

## 5. Analysis—The Process Matters; Techniques Help

The intergovernmental decision-making process at the United Nations is conducted by diplomats or governments' representatives through negotiation. They negotiate global issues by meeting the interests and needs of each nation. This is done by using collaboration and cooperation, which is the basis of interest-based negotiation. The following are two case studies.

### 5.1 The Status of Jerusalem

On December 6, 2017, the United States President Donald Trump unilaterally announced the transfer of the capital of Israel to Jerusalem. This has enormous repercussions for world politics, including the United Nations. While this is a politically sensitive matter, the real issue is the process of negotiation, rather than the location of Israel as such. It was because so many parties were involved and sought a

solution.

Importantly, the United States was acting as mediator between Israel and Palestine. It is essential to respect the principles of mediation; “impartiality” should be ensured, which means that the mediator should not take sides. If such principles are disrespected, the credibility of the mediation and negotiation process is lost, and there will be no more trust. This is how many parties feel—not just Palestinians and Islamic countries but also the United Nations Security Council members. The Secretary-General’s statement on the Middle East Peace Process [as delivered] on December 6, 2017 at the United Nations headquarters in New York:

... I understand the deep attachment that Jerusalem holds in the hearts of so many people. It has been so for centuries and it will always be. In this moment of great anxiety, I want to make it clear there is no alternative to the two-state solution. There is no Plan B. It is only by realizing the vision of two states living side-by-side in peace, security and mutual recognition, with Jerusalem as the capital of Israel and Palestine, and all final status issues resolved permanently through negotiations, that the legitimate aspirations of both peoples will be achieved. For my part as the United Nations Secretary-General, I will do everything in my power to support the Israeli and Palestinian leaders to return to meaningful negotiations and to realize this vision of a lasting peace for both people.

(<https://www.c-span.org/video/?438237-1/un-secretary-general-statement-jerusalem-designation>).

On the day of the President Trump’s announcement, UN Secretary-General Guterres stated,

... I have consistently spoken out against any unilateral measures that would jeopardize the prospect of peace for Israelis and Palestinians. Jerusalem is a final status issue that must be resolved through direct negotiations between the two parties on the basis of the relevant Security Council and General Assembly resolutions, taking into account the legitimate concerns of both the Palestinian and the Israeli sides, and all final status issues resolved permanently through negotiations, that the legitimate aspirations of both



peoples will be achieved. ... I will do everything in my power to support the Israeli and Palestinian leaders to return to meaningful negotiations and to realize this vision of a lasting peace for both people.

(<https://news.un.org/en/story/2017/12/638412-issue-jerusalem-must-be-resolved-through-direct-negotiations-between-parties-UN-chief-stresses> of December 6, 2017)

On December 22, 2017, at its Tenth Emergency Special Session, the General Assembly adopted resolution ES-10/19 (A/RES/ES-1-/19, 22 December 2017) reaffirming the relevant resolutions of the Security Council. It demanded that “all States comply with Security Council resolutions regarding the Holy City of Jerusalem, and not recognize any actions or measure contrary to those resolutions.” This illustrates the impact and importance of following the principles of negotiation.

## 5.2 Strategic Deployment Stocks (SDS)

The author was involved in a huge intergovernmental negotiation between 2000 and 2002 through the General Assembly, including at the Special Committee on Peacekeeping Operations. It pertained to proposing a new concept and approving a process of the SDS (A/55/305 – S/2000/809) in response to the recommendations made in the Brahimi report (2000). The purpose was “to speed up the deployment of troops and other personnel to newly approved peacekeeping operations” (Osmanczyk & Mango, 2003). This entailed a number of consultations and negotiations, consensus building, and joint problem solving, which led to General Assembly resolution 56/292 approving a one-time budget for the SDS in the amount of over \$140 million (more precisely, \$141,546,000). This was an innovative approach for supporting peacekeeping operations, and the General Assembly pursued unprecedented negotiations toward resolution.

The Secretary-General proposed (A/56/7322, Report of the Secretary-General on the Implementation of the recommendations of the Special Committee on Peacekeeping Operations and the Panel on United Nations Peace Operations) the concept of maintaining enough strategic deployment stocks for supporting new peacekeeping operations by pursuing a one-time purchase of SDS, which would be replenished as soon as they were deployed to new missions. This was about the enhancement of the rapid development capacity of peacekeeping operations.

Despite that this concept was not necessarily new to the General Assembly, it was for the first time that the concept was officially approved after complex negotiation steps were taken via the Special Peacekeeping Committee, informal consultations (including meetings) were held, discussions with the permanent missions of Member States were conducted, and negotiations with the key players in the committee were conducted, as well as the Fifth Committee, the Advisory Committee on Advisory and Budgetary Questions (ACABQ), and the contributing nations to the peacekeeping missions. This demonstrates that the process of negotiation matters, and the following principles of negotiation are the key. This negotiation indicated interest-based, in faith, trust, and mutual respect by the stakeholders involved in the negotiation.

Furthermore, there were a number of internal players with decision-making authority, such as in the Department of Peacekeeping Operations and the Controller's Office, Department of Management. The process lead to believe that it was the process of negotiation that matters to Member States who are decision makers. While initially, major financially contributing Member States were not willing to share extra financial burden at the time of zero-based budget growth, they did agree to cover the costs eventually.

In the end, this negotiation also attracted internal players such as the Controller's Office that proposed to apply the peacekeeping budget surplus of some peacekeeping missions to fund the SDS (\$95,978,945 from the United Nations Protection Force, the United Nations Confidence Restoration Operation in Croatia, the United Nations Preventive Deployment Force, and the United Nations Peace Forces headquarters and \$45,567,055 from the United Nations Mission in Haiti). By agreeing on this initiative, the majority of Member States voted for a General Assembly resolution 56/292 on 18 July 2001.

### 5.3 Negotiation in Conflict Prevention

The author was also involved in negotiations toward conflict prevention in Timor-Leste in the 2006 conflict. Initially, the conflict started as a workplace complaint about delayed promotion by military officers who joined the army in comparison with military officers who were a part of the independence struggle with

President Gusmão<sup>3</sup>. When they submitted the complaint, they did not receive any response from the then-president and prime minister. This prompted them to negotiate their rights with them. Because they did not provide them with any specific responses, they decided to take action, which triggered conflicts and violence in April and May of 2006.

While subsequently the security was restored, there was a fear that the violence may occur again at the time of the issuance of the report of Commission on Inquiry<sup>4</sup> in October 2006. People decided not to react or use violence, as they were given opportunities to express themselves through the work of negotiation, conciliation, good offices and mediation. In this process, they felt that their interests were heard and taken into consideration in making the next step of discussing with the then President and other senior leaders of the government. It was crucial that the negotiation, mediation, and good offices processes respected the principles of negotiation, such as good faith, mutual interests, balance of power, and sincere respect<sup>5</sup>.

The development of the SDGs involved an unprecedented number of stakeholders in consultation, negotiation, and decision-making, ranging from governments, NGOs, youths, to private citizens. The implementation of SDGs will allow each member state to come up with targets and indicators, which will empower and ensure implementation of the SDGs for realistic results. Importantly, reaching the Paris Agreement required unprecedented consultation, negotiation, and outreach efforts; as well as time and energy on the part of governments, nongovernmental players, corporations, and even youth.

This was not solely a governmental effort. The implication of such efforts and processes is that the participants will implement the Paris Agreement, because they are the creators and developers of the agreement, representing the ownership. In light of the global climate change crisis, the more players and implementers that are

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<sup>3</sup> AS/2006/628, the Report of the Secretary-General on Timor-Leste pursuant to Security Council resolution 16

<sup>4</sup> S/2006/822, Annex, 18 October 2006, Report of the United Nations Independent Special Commission of Inquiry for Timor-Leste, Geneva.

<sup>5</sup> For more details, see Michiko Kuroda, "Preventive Diplomacy in the United Nations Peace Operations: Field Perspectives, *International Area Studies*, Tsukuba 37, pp. 71-92, 2016.

involved, the greater is the likelihood of obtaining concrete results.

## 6. Impacts of the application of interest-based negotiation

The new types of negotiations entail a wider range of players in the process, empowering all kinds of stakeholders who would be involved in the implementation of the decisions. The implications of such new types of negotiations are that they are contributing to developing new norms or rules of law or at least establishing soft laws. The more people involved in a negotiation, the better the chances are that the decisions will be implemented.

According to the Office of the Secretary-General's Youth Envoy, "there are more young people in the world than ever, creating unprecedented potential for economic and social progress." Therefore, as Figure 2 illustrates, it is imperative to engage a wide range of stakeholders in the negotiation and consultation process if the international community seeks a balanced and sustainable society.

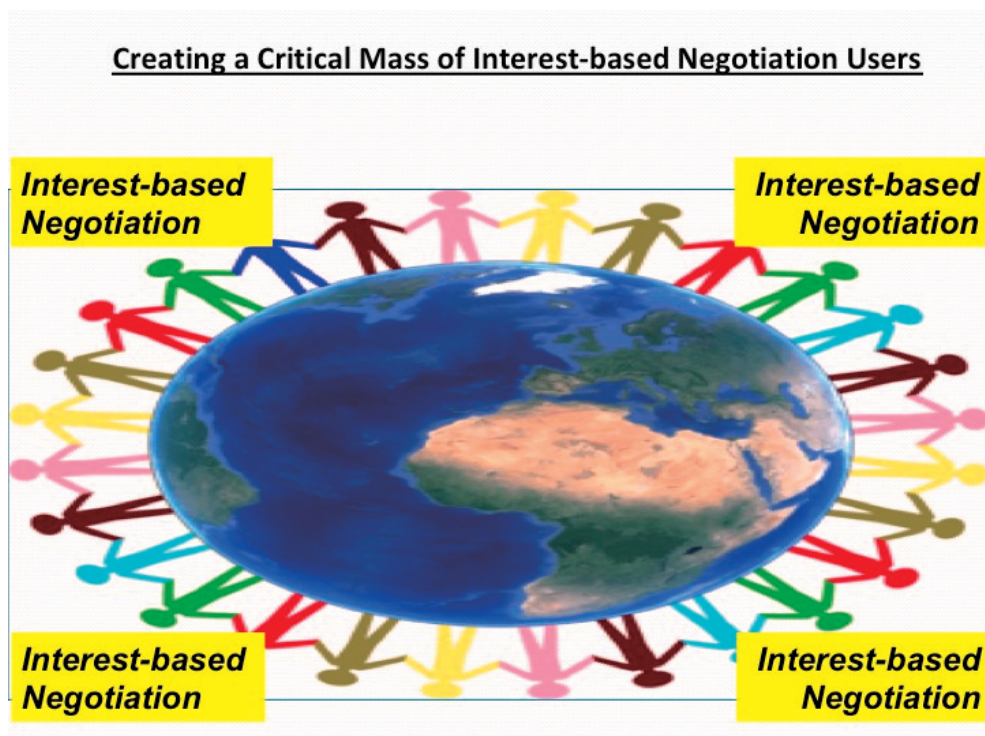


Figure 2. Creating a critical mass

There are about 1.8 billion young people between the ages of 10 and 24 – the largest youth population ever. Many of them are concentrated in developing countries. In fact, in the world's 48 least developed countries, children or adolescents make up a majority of the population.

(See <http://www.un.org/youthenvoy/2015/04/10-things-didnt-know-worlds-population/>)

If the youth are involved in this process, they will be able to take part in this. It will be crucial to create and develop a critical mass of players, including diplomats, politicians, young leaders, and activists in both governmental and nongovernmental settings who can apply interest-based negotiations toward win-win situations. This will also be important as young people form more of the world's population, and the likelihood of youth involved in negotiations will rapidly increase.

The ultimate goal of the MUN is to develop global citizens who will lead and establish the future global community. Given the multitude of factors and the diversity of the community, people need to figure out how to live and work together. It is important to create a critical mass of young people equipped with the interest-based negotiation approach and techniques and methodologies. MUN students should learn and acquire the skills to do so.

Developing a curriculum tailor-made for conducting an MUN conference will enhance their learning and gaining skills. It is the responsibility of the faculty members engaged in advising students about their participation in the MUN where the interest-based negotiation is officially applied or not. It is in the interest of faculty advisers to see that student delegates acquire the skills of international negotiations, which they will apply in their lives and future careers so that they can strive to build better lives for players in the international community. The immediate utility of applying interest-based negotiation seems to be moving things in the right direction.

## 7. Application to MUNs<sup>6</sup>

While it is not necessary that student delegates use interest-based negotiation in

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<sup>6</sup> While there are various kinds of MUN conferences, this paper focuses on the NMUN conferences. Please refer to Nabila Elassar, "The Worlds of MUN – Comparing The Most Famous Model United Nations Rules of Procedures – Traditional/North American, THIMUN & UN4MUN." <https://www.unitedambassadors.com/single-post/2016/05/01/The-Worlds-of-MUN-Comparing-Different-MUN-Procedures-Around-The-World>.

MUN, it should be made a part of the basic requirements and communication tools. They may have a choice of applying hard negotiation or soft negotiation techniques or interest-based negotiation, or a combination of all of these. Based on the observation of MUN students' negotiations, they are not necessarily applying negotiation consciously. In fact, many tend to use bargaining rather than interest-based negotiation. Where it is used consciously, the negotiation is successful, leading to solutions in the form of draft resolutions by consensus.

At the NMUN conferences, the bureaus or the directors of committees make sure that student delegates "remain in character" as a part of the award-review process. Student delegates may receive warnings or reminders from the directors. This seems to contribute to the maintenance of proper behaviors by students as a part of a diplomatic corps.

- a) The use of the seven step preparation sheet in identifying issues, interests, options and alternatives for the parties involved (see Appendix).
- b) Preparation for the Position Papers bearing in mind the above point.

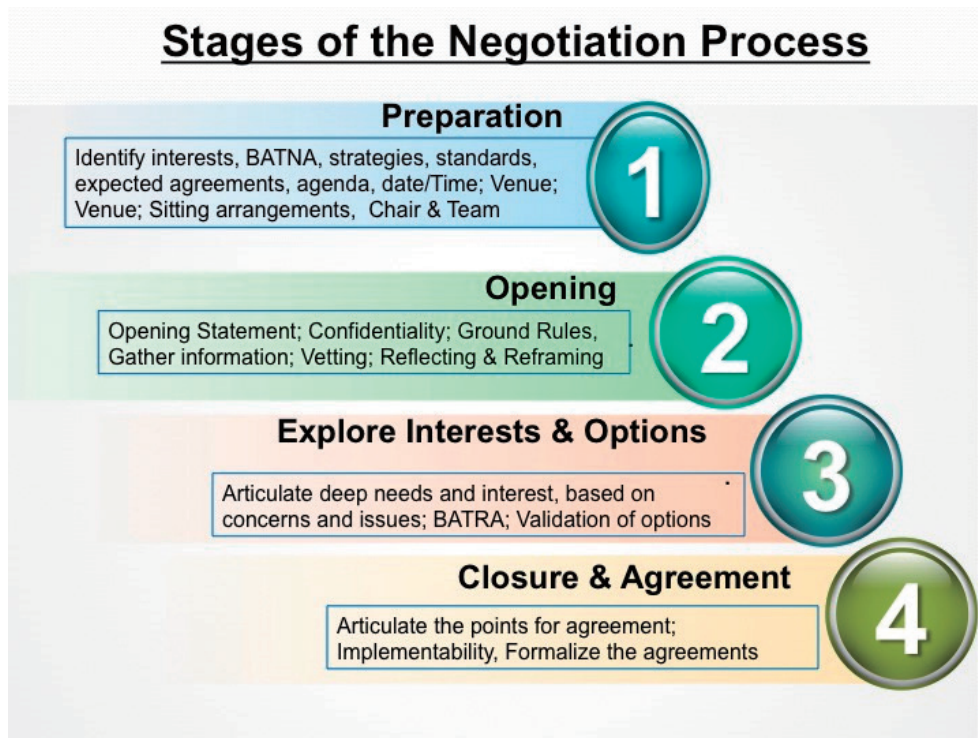
Gaining the skills and competencies for interest-based negotiation should be the key to successful win-win negotiations. It will be important for students to understand them and use them consciously. Students are future leaders. By applying this type of negotiation, they will strive to create win-win situations and working environments rather than play win-lose political games. It is clear that students learn and gain the skills of interest-based negotiation while they are still at school.

#### c) Communication Strategies

It will be essential for student delegates to apply communication strategies by creating a constructive environment for negotiation, consensus building, and conflict management. The use of "I" statements rather than "You" statements will be helpful. The application of "reflection" and "reframing" will ensure better understanding of participants' interests and needs. It is highly recommended that student delegates apply "open ended" questions intentionally so that all the parties can explore options and solutions in a creative environment. Figure 3 illustrates the major phases for



negotiation. This seems to be in line with the process of MUN conferences that student delegates engage in.



**Figure 3. Stages of the negotiation process**

### 7.1 Preparation

This is the time for preparation before students participate in the MUN conferences. They must become familiar with the dynamics of intergovernmental processes of the United Nations within the legislative organs, funds, and programs, as well as specialized agencies. They must study background guides and delegates' preparation guides, and they must conduct research on the countries that they will represent at the MUN. They must also analyze and identify the issues related to the topics that they are assigned at each committee. In this regard, they should identify the “interests” of their own countries as well as those of others that they will be negotiating. Because the MUN is a multiparty diplomacy, students should identify the interests of the regional groups and other groups that they may wish to negotiate about. It is suggested that they use the “7 steps for the negotiation preparation sheet” to facilitate

their analysis and preparation. The outcome of the preparation will be the position papers that they will draft and submit to the MUN long before the MUN conferences. When drafting the position papers, it would be advisable to take into consideration interests, issues, options, alternatives, and relationships by following the sheet. Faculty advisers may guide student delegates to develop the position papers accordingly.

## 7.2 Opening

The opening will start at the conference site of the MUN conferences. After deciding on the agenda setting, student delegates will make “opening speeches” for the first topic.

## 7.3 Explore Interests and Options

The students will further explore interests and options at the informal or unmoderated caucuses. In this regard, they should follow the four principles of negotiation: a) separate the people from the problem; b) focus on interests, not positions; c) invent options for mutual gain; and d) insist on objective criteria. These steps were also discussed at the Workshop.

## 7.4 Closure and Agreement—Drafting Working Paper and Draft Resolutions

The MUN conferences will close with the drafting and adoption of resolutions through “working papers” that the delegates will draft through negotiation and collaboration among each other. Some delegates may sponsor them, and others may choose to be signatories. Through this process, the delegates will close their negotiations after inventing options for mutual gains rather than bargaining.

Faculty advisers may wish to guide student delegates to draft resolutions to develop “action-oriented” and “specifically targeted” terms of resolutions. Given that draft resolutions are policy-making documents, faculty advisers could teach students the implications of drafting resolutions in such a way that they can draft policy-making documents as draft resolutions. This experience of reaching solutions to issues by moving even one inch will help students learn and make changes and solve problems that the world is facing in a responsible manner. This will lead them to become genuine global citizens striving to make a difference in the world.



## 8. Conclusions

Negotiation is a part of life. The use of negotiations is becoming more and more prevalent in the rapidly changing world. It is clear that students need to gain negotiation skills, specifically interest-based negotiation techniques, so that they can apply them in their lives—including in their work, private lives, government, business, conflicts, and even social activities. The more youths apply interest-based negotiation, the more likely that the international community will become a peaceful world. This practice will also contribute to the development of rule of law and soft law, rather than hard law, which would be developed by the actual representatives of the governments.

In the 2016–2017 academic year, the NMUN involved over 7,000 global citizens, including 6,500 student delegates coming from 130 United Nations Member States. Over the years, this number has increased and is reaching critical mass. It seems that encouraging MUN students to learn and apply interest-based negotiation is the key to developing a more peaceful world by creating global citizens equipped with the appropriate tools for peacemaking.

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A/RES/ES-1/19, 22 December 2017

## Appendix: Seven Element Preparation Tool

SEVEN ELEMENT PREPARATION TOOL

PARTIES AND ISSUES	INTERESTS	OPTIONS	LEGITIMACY
<b>The Parties</b> <i>(You may want to draw a diagram)</i>	<b>OURS:</b>	<i>(List possible options for each issue)</i> <b>Issue 1:</b>	<i>(Identify objective standards relevant to any issues or options you have identified)</i>
<b>Important Issues</b> <i>(Subjects that need to be dealt with)</i>	<b>THEIRS:</b>	<b>Issue 2:</b>	
1. 2. 3.	<b>OTHERS:</b>	<b>Issue 3:</b>	

ALTERNATIVES	COMMITMENT	COMMUNICATION	RELATIONSHIP	
<b>Your Alternatives:</b> <i>(Circle your BATNA)</i>	What level of commitment do you want? <ul style="list-style-type: none"> <li>Expressing views?</li> <li>Generating options?</li> <li>Joint Recommendations?</li> <li>Tentative Agreement?</li> <li>Firm, Signed Deal?</li> </ul>	Listen For? Talk About?	Currently	Preferred
Ways to improve:	At the end of this meeting:	Questions to ask? Information to Disclose?		
<b>Their Alternatives</b> <i>(Circle your estimate of their BATNA)</i>	At the end of the negotiation: <i>(Elements of a framework agreement)</i>	What specific steps might you take to change any current problematic communication?		
Ways to worsen:			If necessary, what specific steps might you take to change the current relationship to the preferred one?	

Source: Materials distributed at the Program on Negotiation (PON) training