Negotiations Within the United Nations Framework

Meeting time: Wednesdays 3:35-6:05 pm
Ferré Building 126

Professor Ambler Moss
Office: Ferré Building, 319
telephone: 305-284-8955
e-mail: ahmoss@miami.edu
office hours: Mondays 9-10am and Wednesdays, 11:30 am – 1 pm or by appointment.
Note: I’m quite flexible as to time, so feel free to e-mail for an appointment outside of office hours.

This course is designed for graduate students and qualified undergraduates who have taken the UN Seminar course, INS 460. It is, nonetheless, open with the instructor’s permission to students who have at least a working knowledge of the United Nations structure and operations, as well as the main issues facing the UN.

To be more specific, what should you know before the course begins? Be familiar with the United Nations Charter. Spend some time in the UN website (www.un.org) and know how to use it. An excellent basic book on the UN is Jean E. Krasno, ed. The United Nations: Confronting the Challenges of a Global Society. (Boulder, Lynne Rienner, 2004) ISBN 1-58826-280-4; I have listed it below as a “must have” for our reading list.

The course aims at accomplishing two objectives. These are, first, to deepen the student’s knowledge about the nature and process of diplomatic negotiation as it is practiced in a multilateral setting, especially the UN. Second, through case studies and simulation, it is designed to give students practical negotiating experience. The cases will mirror actual front-line issues being discussed in the United National General Assembly, the United Nations Security Council, the Human Rights Council, and other UN bodies.

The purpose of the course also has in mind the successful participation on the University of Miami’s Model UN team in the annual Model UN competitions (NMUN) which take place each year at UN Headquarters in New York City. The organizer of those competitions is the National Collegiate Conference Association (NCCA). Its aim is to achieve its mission to further understanding of the United Nations and contemporary problems through experience-based learning opportunities.

NMUN has grown to more than 3,200 university students and 220 faculty from five continents. The NCCA has more than 75 dedicated volunteers and various donors who annually give of their time and resources to support the programs.
The following is a description of how the course will progress.

After a review of the major issues before the United Nations and their status, we will look at the nature of diplomacy and the art of multilateral negotiation. The remaining sessions will involve the actual simulation.

The present world diplomatic structure of foreign ministries, ambassadors and embassies still responds largely to rules set by the Congress of Vienna in 1815. It, in turn, is based upon the concept of the nation-state, which emerged in Europe at the time of the Peace of Westphalia (1648). That structure essentially governs world politics today despite major trends which are beginning to erode the central role of the nation-state, such as globalization, integration through the European Union, and the emergence of non-state actors, particularly non-governmental organizations (NGO’s). In fact, former UN Secretary General Kofi Annan has called for a new view of sovereignty itself, calling the traditional form “obsolete” in the face of humanitarian crises around the world.

The function of diplomacy, of course, is even older than the present state system. We know from the narratives of Thucydides that the Greek city-states, from the sixth century BC, had an elaborate system of envoys and engaged in constant diplomatic negotiation. The Romans had no less elaborate a system, although it was based not upon notions of equality, as with the Greeks, but upon hegemony within a world system of governance, the “pax romana.”

A significant post-Cold War problem is the new assertiveness of “nations” as opposed to states. As Lawrence Freedman has stated, “Many states contain more than one nation, while nations are often to be found in more than one state. A key source of contemporary global disorder is that people give their loyalties to nations but they are governed by states.” (The Transformation of Strategic Affairs, p. 30)

Diplomacy is negotiation, and “Negotiation occupies center stage in international affairs.” (Roger Fisher)

Sir Harold Nicholson’s definition of diplomacy is generally accepted both by theorists and practitioners: it is the management of international relations by negotiation. From there the two worlds of practitioners and theorists diverge; they belong to two different cultures. The practitioner, in this country the Foreign Service Officer (FSO), tends to see diplomacy and negotiation as a personal, professional skill. It may partly be instinctive and partly learned. It does require knowledge of peoples and cultures, as well as a good grasp of current world political and economic issues, but little more, according to many FSO’s. It is pragmatic in its outlook; objectives are set on an ad hoc basis according to the circumstances of each negotiation.

To the practitioner in the US Foreign Service, it often seems that there is little use for academic theorizing about diplomacy. Elliot Richardson, a veteran negotiator who died in late December 1999, when once asked about his approach to negotiation, is said to have replied, “I simply tried to do a good job.” This is typical; great negotiators will assume
that knowledge of the subject-matter at hand with a feel for the situation is what determines the outcome. Few, if any, U.S. diplomats would identify their approach to diplomacy with any particular theory of negotiation. Even more remote to them is the world of international relations theory, about which they tend to be either ignorant or disdainful.

Yet I. William Zartman and others stress the importance of education and training in situations involving conflict resolution. There is a large body of academic literature which attempts to conceptualize the strategy of diplomatic negotiations. Academic perspectives range from game theory, to cognitive theory, to a psychological approach, to organizational theory, and many others. To the practitioner, academics who look at such things under laboratory-like conditions, do not understand the real world of human foibles.

To the academics, the practitioners miss opportunities by not thinking systematically. Moreover, it is clear to the academics that the practitioners are really operating on the basis of some international relations theory or theories without even knowing it. Their concepts are generally limited to the paradigms of power realism, balance of power, and Wilsonian idealism, typically mixing the three unconsciously. This gives them, in the mind of some scholars, a skewed perspective of the world. Many practitioners have been able to bridge the gap and inhabit both worlds. George Kennan comes immediately to mind. The author of the policy of containment of the U.S.S.R., he also developed, on the basis of real-world experience, strategies for negotiating with the Soviets based on behavioral theory.

The academics have contributed a number of concepts which are of practical use to the professional diplomat. Even the hard-boiled practitioners are increasingly familiar with the notions of coercive diplomacy, crisis management, appeasement (or, better, accommodation), and dispute resolution. They are also familiar with imaging the adversary, through psychological profiling. Perhaps the gap is narrowing. Certainly there is a great recognition today of the importance of cultural factors in international negotiation.

A great contribution to narrowing the gap has been made by the Harvard Negotiation Project, in which the popularly-known Professor Roger Fisher has had a major influence. Its goal has been “to develop and refine tools for organized and systematic thinking about conflict and its resolution, and to share the products of this analysis with those most likely to benefit from it.” A number of publications resulted from the project.

Another great study was undertaken by a team of experts in conflict resolution who bridge the gap between theory and practice. They assembled the case study volume, Herding Cats: Multiparty Mediation in a Complex World, a supplementary textbook of the course. Containing twenty recent cases, it was composed by a “distinguished cast of international mediators to recount and reflect on their experiences” (Richard Solomon, President of the U.S. Institute of Peace.)
Diplomatic negotiation, for purposes of this course, will be defined as a process of communication and negotiation between states seeking (unilaterally or multilaterally) to arrive at a mutually acceptable outcome on some issue or issues of shared concern. A variant is the so-called “coercive diplomacy” where one party (or parties) attempts to impose its will on another. The use of sanctions, a favorite tool of the United States, is the most familiar example today.

**The United Nations has been through a process of reform and transformation**, but it is far from complete. In his address to the UN General Assembly in September 2003, Secretary General Kofi Annan said:

*We have come to a fork in the road. This may be a moment no less decisive than 1945 itself, when the United Nations was founded. At that time, a group of far-sighted leaders, led and inspired by President Franklin D. Roosevelt, were determined to make the second half of the century different from the first half. They saw that the human race had only one world to live in, and that unless it managed its affairs prudently, all human beings may perish.*

The context of that message, of course, was the decision of the United States and the United Kingdom to invade Iraq without UNSC approval, a move opposed by most countries of the UN. The Secretary General then set in motion a series of studies and initiatives, beginning with the appointment of a “High Level panel” to write a major report of recommendations.

On December 2, 2004 the long-awaited report of the High-Level Panel on Threats, Challenges and Change, drafted by the 16-member group of eminent persons, was presented to the Secretary General Containing 101 recommendations for the reform of the UN, it was transmitted to the General Assembly for review. It has been termed the most important document since the UN Charter. See [http://www.un.org/secureworld](http://www.un.org/secureworld) for the report and summary. We will refer to it in several class sessions.

On March 21, 2005, the Secretary General issued a comprehensive report, “In Larger Freedom: Towards Development, Security and Human Rights for All.” Based on the 2000 Millennium Declaration, it includes a review of the progress made on achieving the Millennium Development Goals, another significant milestone in the work of the UN.

In August 2005 President George W. Bush made a “recess appointment” of the controversial John Bolton as U.S. ambassador to the U.N. (Bolton’s term ended in December 2006, as he was not confirmed by the U.S. Senate.) Bush said that he expected Bolton to push for administrative reform of the U.N. This issue was one of those debated at the UNGA “Summit” in August-September 2005.

In September 2005, the United Nations General Assembly adopted the 2005 World Summit Outcome, the result of the organization’s deliberations over the reforms set in
motion in Secretary General Annan’s address in 2003, as well as the Millennium Development Goals (established in 2000) and other initiatives. It is important to focus on what was accomplished in this monumental effort as well as what was not accomplished.

In December 2005 important meetings were held in Montreal on the Kyoto Protocol and climate change, as well as the ministerial meeting of the “Doha Round” of the World Trade Organization, in Hong Kong. The results of both these meeting can be called “modest.”

During 2006, the race was on to select a new Secretary General to replace Kofi Annan, whose term ended in December 2006. As we have seen, this position is not given a great deal of power in the Charter but has assumed an immense importance in world politics. The South Korean nominee, foreign minister Ban Ki-moon, was elected and seemed to indicate a more deliberative, low-key style than Annan’s.

On October 2006 the British Government announced the publication of a report on climate change by Sir Nicholas Stern. It laid out dire warnings if there is not a successor to the Kyoto Protocol when it expires in 2012. Along with terrorism, climate change will be a major issue facing the UN. The Intergovernmental Panel on Climate Change (IPCC), consisting of hundreds of scientific experts, has produced four studies to date linking climate change to human causes.

In November 2007 Secretary-General Ban Ki-moon “challenged the world's policymakers to start devising a comprehensive deal for tackling climate change at next month's summit (December 2007) in Bali, Indonesia, after a United Nations report released today found that global warming is unequivocal and could cause irreversible damage to the planet…. Mr. Ban said that slowing and even reversing the effects of climate change ‘is the defining challenge of our age.’” (UN press release 17 November 2007)

As for US representation in the UN post-Bolton, in early January 2007 a senior Bush administration official said that the president intended to appoint the US ambassador to Iraq, Zalmay Khalilzad, as the new United States ambassador. Taking office in April, Khalilzad, a highly regarded professional and a Muslim, has given a new look to the U.S. presence at the UN, if not necessarily a change in policy.

Nearing the end of his term, Secretary General Kofi Annan made these observations on United Nations Day, 24 October 2006. It is a good summary of what he sees as the unfinished business of the UN and the major issues it faces. I have put these in bold face.

*For the tenth and last time as Secretary-General, I offer friends and colleagues around the world my best wishes on United Nations Day. I have spent almost my whole professional life working for the United Nations — so this day, and the values that it stands for, will always be special for me.*
Over the past 10 years, we have made some big steps forward in our common struggle for development, security and human rights.

-- **Aid and debt relief** have increased, making the world economy somewhat fairer.

-- At last, the world is scaling up its **response to HIV/AIDS**.

-- There are fewer **wars between States** than there used to be; and many civil wars have ended.

-- More **Governments are elected** by, and accountable to, the people whom they govern.

-- And all States have acknowledged, at least in words, their **responsibility to protect** people from genocide, war crimes, ethnic cleansing and crimes against humanity.

But, there is so much that still needs doing:

-- The **gap between rich and poor** continues to grow.

-- Very few countries are on track to reach all eight of the **Millennium Development Goals** by 2015.

-- Many people still face **atrocities, repression and brutal conflicts**.

-- **The nuclear non-proliferation regime** requires urgent attention.

-- **Terrorism, and the reaction to it**, are spreading fear and suspicion

It seems we don’t even agree which threats are most important. Those who live in small islands may see **global warming** as the biggest danger. Those who live in a city that has suffered terrorist attacks – like New York, or Mumbai, or Istanbul — may feel that **confronting terrorism** is more urgent. Others, again, may cite **poverty, disease, or genocide**.

The truth is, these are all global threats. All of us should be concerned about all of them. Otherwise, we may not succeed in dealing with any of them.

At this time of all times, we cannot afford to be divided. I know that you, the peoples of the world, understand this. Thank you for all the support and encouragement you have given me, throughout these 10 difficult but exciting years.

Please urge your leaders to work with my successor, and make the United Nations ever stronger and more effective.

Long live our planet, and its peoples. Long live the United Nations!
The course requirements will consist of various writings and report, as follows:

1. Reports on the readings: students will be assigned written and oral reports of the readings for the first NINE sessions. These sessions consist of a review of major issues facing the United Nations and readings on diplomacy and negotiation. Students should prepare a written handout for distribution to the class (2-3 pages of outline). Oral reports should be brief, about 10 minutes.

2. Background papers on each student’s assigned country which will be represented in the sessions devoted to debate in a UN format. These should consist of 5-7 pages, plus bibliography and footnotes (or in-text notes.) These papers are due on February 12 and should be posted on the Blackboard under “File Exchange” for all to read (go to “Communications” the to “File Exchange”)

3. position papers: Each student will prepare a written position paper prior to the debate for each of the seven sessions (1-2 pages) outlining the position of his/her country for that issue Turn these papers in to the instructor after the class session.

4. Oral debate on the issues. Be prepared to present and defend your country’s position at each session from 7-13.

5. A final research paper, 10 pages in length, (double-spaced, Times New Roman 12 pt) on an important issue which is under study and consideration for resolution within the United Nations framework. It can be an exposition of the issue or a position paper, as you wish. It may involve the UNGA, UNSC, or any of the UN agencies. The paper is due May 7.

Each of the five above categories will count as 20 points toward a final grade. Late papers will be fined half a letter grade (i.e., from an A- to a B+).

Likewise please note that my policy is Mandatory Attendance: Students are expected to attend all sessions. We only have thirteen sessions. The course is a graduate seminar in which maximum participation is encouraged, and the learning process evolves through the give-and-take of discussion. Being absent without a valid excuse will result in points lost. If you have such an excuse, please let me know in advance by e-mail.

Sessions: ONE TO NINE: Review of UN issues; diplomacy and negotiation; selected case studies

SESSION ONE: Wednesday, January 16
Introduction to the course
Diplomacy; multilateral diplomacy and the UN
Review of the UN and current issues as the New Year begins.

The UN has been at a crossroads since the Iraq crisis of 2003; a reform process was set into motion, resulting in a long list of items contained in:

- Report of the High-Level Panel, December 2, 2004
- Secretary-General’s report “In Larger Freedom,” March 21, 2005
- 2005 World Summit Outcome document, September 2005
- The general question of compliance with UN conventions

Some of the items from the reform process have been implemented (establishing the Human Rights Council and Peacebuilding Commission) others have been held in abeyance (notably, restructuring of the UN Security Council, nuclear nonproliferation compliance). What is the significance of this unfinished business?

A newly-elected Secretary-General Ban Ki-moon, took office in 2007. What is his style, as compared with that of Kofi Annan and how is he handling the huge number of issues facing the UN?

**SESSION TWO:** Wednesday, January 23
The UN Agenda for 2007-2008 and pending issues: (all items are on Blackboard)

Readings:

- Major Issues and topics the UN deals with
- UNGA Agenda, 62nd. Session (adopted September 2007)
- Gareth Evans “When is it Right to Fight?” (articles from SURVIVAL)
- “The Responsibility to Protect” 2001 Commission Report (under “High Level Panel”) read Synopsis
- Folder on new Human Rights Council
- Folder on Darfur- a test of UN Resolve
- Annan “Two Concepts of Sovereignty” (“course readings”)

**SESSION THREE:** Wednesday, January 30
Key items of the UN agenda for 2007-2008 involving peace and security

- Reform/restructuring of the UN Security Council
- Terrorism and counterterrorism measures
- UN peacekeeping: will it have to expand its operations?
- The problem of failed states
- The new UN Peacebuilding Commission; what can it accomplish?
- Nuclear Proliferation and the NPT: generally
- The Israeli-Palestinian issue: how can the UN play a more useful role?

Readings:

- Krasno, Security Council Reform, Chapter 11.
- Matheson, *Council Unbound*, Conclusion
- Javier Rupérez article on Counter-Terrorism (Recent UN Actions on Counter-Terrorism)
- UNSC resolutions on terrorism
SESSION FOUR: Wednesday, February 6
What is diplomacy? How does diplomatic negotiation take place? History of diplomatic practice; qualities of a diplomat. Diplomacy within the UN context. Coercive diplomacy; how and when does it work? Cultural factors and national negotiating styles.

Readings:  
- de Callières, On Negotiating with Princes (Blackboard, “course readings”)  
- Zartman, Peacemaking in International Conflict, chapters 3, 4, 5 (Negotiation, Mediation, Adjudication)  
- Cohen, Negotiating Across Cultures  
- George, Forceful Persuasion, pp. 3-14

SESSION FIVE: Wednesday, February 13

Readings:  
- Moss, sheet on evaluating elements involved in a negotiation  
- George, Bridging the Gap, chapters 3-7  
- Allison, “Essence of Decision” (“course readings”)  
- Sisk, New Approaches (Sisk Readings, “course readings”)  
- Pew Case Study on Cuban Missile Crisis  
- Zartman, chapter 8 (Religion and Peacebuilding)  
- Zartman, Chapter 11 The Role of Force in Peacemaking  
- Zartman, Conclusions, The Use of Methods and Techniques in a Conflict’s Lifespan (p. 465-477)

SESSION SIX: Wednesday, February 20
US diplomacy within the international system. Foreign Affairs and the US Constitution. Customary international law and regime theory. Theory and practice in foreign policy. Post-World War II diplomacy from Kennan through the Cold War. Conflicts between U.S. and international law. Under which circumstances is the U.S. a collegial player, an outlier or an outlaw? Does legitimacy matter to the U.S.? What is the negotiating strategy suggested by the Iraq Study Group Report issued in December 2006?

Readings:  
- Henkin, Foreign Affairs and the U.S. Constitution, Introduction and chapters VII and VIII.  
- Mead, “The Jacksonian Tradition” (“course readings”)
UN Committee Against Torture, May 2006 (“The US and human rights Policy”)
Bush, West Point speech 2002
National Security Strategy of the U.S. 2002
National Security Stategy of the U.S. 2006
European Security Strategy 2003 (what are its fundamental differences from the US National Security Strategies?)
Tucker, “The Sources of American Legitimacy” (“course readings”)
Baker and Hamilton The Iraq Study Group Report
US, Human Rights policy and the International Criminal Court;
ICC action on Darfur

SESSION SEVEN: Wednesday, February 27
Disarmament and nuclear nonproliferation: negotiating a more secure world. What are the disagreements on dealing with Iran? Does the US-India deal undermine the NPT? Why do the 5-year reviews under NPT accomplish so little? Criticisms by Jimmy Carter and Kofi Annan. Is Pakistan’s nuclear program a particularly worrisome issue?

Readings: Folder on Nuclear Issues

SESSION EIGHT: Wednesday, March 5
Negotiating the Climate Change Issue: The Kyoto Protocol, the Developing World and the United States. The evidence is in, but where is the world going?

Readings: Folder on Environmental Issues; especially on the IPCC Reports
Climate Change (Council on Foreign Relations publication by David Victor); what are the three policy options the US may take?
Bali, December 2007: what has been decided?
A grass-roots approach: the US Conference of Mayors and the Kyoto Protocol

☼(spring recess: March 8-16)☼

SESSION NINE: Wednesday, March 19
The Millennium Development Goals and their progress. Organizing the UN and its agencies to support the MDGs; how to finance it all.

What can be done about the “Bottom Billion?”
Case study: **Reinvigorating the Millennium Development Project (UNGA)** How Could it be accomplished?

Readings: Millennium Development Goals folder  
MDGs on UN web page and Human Development Reports of UNDP

**Sessions TEN TO THIRTEEN: Issues to be considered and debated in the Model UN portion of the course:**

**SESSION TEN:** Wednesday, March 26  **Dealing with the threat of nuclear proliferation; making the NPT work (UNGA)**

**SESSION ELEVEN:** Wednesday, April 2. **Additional measures needed to combat terrorism (UNSC)**

**SESSION TWELVE.** Wednesday, April 9. **Achieving consensus on measures to combat global warming (UNGA)**

**SESSION THIRTEEN.** Wednesday, April 16. **The human rights crisis in Darfur; time for humanitarian intervention? (UNSC)**

**SESSION FOURTEEN.** Wednesday, April 23. **Restructuring the United Nations Security Council (UNGA)**

Final papers are due on May 7.

**Bibliography:**

The following books will be used so extensively that they should be purchased:

- Charter of the United Nations and Statute of the International Court of Justice (United Nations Dept. of Public Information, United Nations NY 10017)


The following need not be purchased but are very useful to the course and will be cited in the lectures:


Nicolson, Sir Harold Diplomacy (Washington: Georgetown University, 1988)


Good web sources for preparation:

United Nations Association of the USA www.unausa.com (see especially the Policy Brief series.)

Rutgers University Library http://www.libraries.rutgers.edu/rul/rr_gateway/gov_info/finding_aids/model_un.shtml#8