September 1, September 8 and September 15 -- Introduction to International Negotiations
(Lecture/Discussion)

Required Reading:


(3) Bazerman, Max H. and Neale, Margaret A., *Negotiating Rationally* (Free Press 1992), pp. 72-74

(4) D.C. and ABA Model Rules of Professional Conduct (Excerpts)

Recommended Viewing:

American Bar Association, “The Strategy and Art of Negotiating”

Recommended Reading:

Camp, Jim, *Start With No* (Crown Business 2002), pp. 6-10, 45-59

September 22, September 29 and October 6 (Government to Government Negotiations —
Renegotiation of the Columbia River Treaty between the United States and Canada

Required Reading:


(2) Hellawell, Robert, and Wallace, Don, Jr., *Negotiating Foreign Investments: A Manual for the Third World* (ILI 1982), secs. 5A, 5D

Recommended Reading:

To be purchased. All other required readings are reproduced as course materials.

Available from the Circulation Reserve Desk, on the second level of the Library; reserved under the name “Greenberg/Bleicher.” Also available in the International Negotiations Courseware site under the heading “Links.” By clicking on a link, you can watch the video on your computer.

(2)  Talbott, Strobe, *Deadly Gambits* (Vintage Paperback, 1985), pp. 116-151


October 13 – No class (Monday classes instead)

October 20 – Critique of Negotiation No. 1; Introduction to Negotiating Agreements between Private Parties and Governments (Lecture/Discussion)

October 27 and November 3 (Private Party to Government Negotiations) -- Negotiation of the Radio Free Europe Prague Headquarters Building Lease between the U.S. State Department and the ORCO Group (Luxembourg)

November 10 – Critique of Negotiation No. 2; Introduction to Negotiating Agreements between Private Parties (Lecture/Discussion)

November 17 and November 24 (Private Party Negotiations) -- Negotiation of an Importation and Distribution Agreement between Sean John Clothing, Inc. (USA) and Isetan Mitsukoshi Holdings Ltd. (Japan)

Required Reading:


Required Viewing:

Intercultural Press, “Working with Japan: Negotiation Strategies that Work”

Recommended Reading:


December 1 – Critique of Negotiation No. 3; Conclusion and Summary

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3 Available from the Circulation Reserve Desk, on the second level of the Library; reserved under the name “Greenberg/Bleicher.” You may find it convenient to review this video together in groups in a Group Study Room. Arrangements can be made on 24 hours advance notice to Media Services. The video is also available in the International Negotiations Courseware site under the heading “Links.” By clicking on a link, you can watch the video on your computer.
Suggested Reading*


Nierenberg, Gerald I., Fundamental of Negotiating, 1977,
Hawthorn.


These books are on reserve at the Georgetown University Law Center library.
INTERNATIONAL NEGOTIATIONS SEMINAR

Course Description

Overview of the Course

This course is designed to provide a basic understanding of the international negotiation process. Its objective is to enable students to learn to plan for, conduct and achieve success in negotiations in which they may participate as government or private lawyers. The course will address moral and ethical issues as an integral part of the negotiation process, including honesty, integrity and reputation.

While the course calls for reading and discussion of background materials concerning the theory and practice of negotiation, its primary focus is practical. It is similar in nature to a "trial practice" course, in which students have an opportunity to put their learning to use in the context of simulated negotiations. Its philosophy is that negotiation is a skill best learned through experience. While readings and lectures are provided for important background and guidance, students are not "told" how to negotiate. They are expected to use their readings selectively and creatively, that is, not to apply the readings by rote.

The course is organized around three simulated international negotiations: one between two governments or governmental entities, one between a private business and a foreign governmental entity and one between two private parties from different countries in a commercial transaction. Students will be assigned to different teams for each negotiation, provided instructions and given the opportunity within a specified time period to conduct negotiations. Substantial independent research and planning by the team are an important part of the preparation for and conduct of the negotiating sessions. All face-to-face negotiations will be conducted during class periods. Writings (proposals, counter-proposals, etc.) may be exchanged between class periods.

All students are expected to participate actively in the negotiations and class discussions. Each student will have an opportunity to lead a negotiation team for at least one negotiating session. All negotiations will be governed by a set of general Rules of the Game (copy attached). Following the conclusion of each negotiation, class discussions will critique the tactics and strategies employed and the outcomes achieved. There will also be brief critiques at the conclusion of each negotiating session.
The course places a premium on preparation and planning, strategic thinking, and effective presentation. While students are expected to be familiar with and utilize what they have read, the readings are not meant to be simply an invitation for imitation. Theoretical and practical approaches discussed in the readings are to be utilized when it is to the advantage the team to do so and avoided when their use would be disadvantageous.

The course seeks to impart to students a sense of certain fundamental rules that should guide them in the conduct of negotiations. Negotiation involves a process with a distinct beginning, middle and end. Certain behavior is appropriate and effective at one stage and not at another; and certain behavior useful in one context may not be effective in a different setting. Like much else in law, hard work, attention to detail, effective preparation and planning, patience, common sense and sensitivity to interpersonal relations are likely to produce successful results.

Finally, oral skills are important in the course. English need not be the student's first language, and typically about one-half of the class consists of students with native languages other than English. However, negotiations will be conducted in English (now the most commonly used language of international negotiations), and all students should feel comfortable expressing themselves in the English language. If you think you may have a language problem, please see either Professor Greenberg or Professor Bleicher.

**Course Requirements**

1. **Attendance**

   Because students will be members of negotiating teams and expected to participate actively in the simulated negotiations, attendance is mandatory for all sessions. If absence is necessitated for any reason, the student must discuss it in advance with a professor.

2. **Readings**

   Required readings include Fisher and Ury, *Getting to Yes* (Penguin Paperback 3d ed., 2011), which is available from the law school bookstore and Lerner Books, and a set of course materials, which is available electronically. Students will want to go beyond the assigned readings and delve deeper into particular topics. Attached to the Syllabus is a bibliography of suggested readings, all of which are on reserve in the Library.

3. **Videos**

   There are several excellent videos on negotiations. One general instruction video, prepared by the American Bar Association, "The Strategy and Art of Negotiating", is recommended for viewing during the first three lecture/discussion weeks of the course. This video is available from the Circulation Reserve Desk on the second level of the Library. A second video, relating specifically to negotiations with the Japanese, "Working with Japan: Negotiating Strategies That Work", is required viewing in connection with
simulated negotiation of an international commercial transaction between private parties. It is likewise available from the Circulation Reserve Desk, and if possible, this video should be reviewed and discussed in groups in a Group Study Room. All videos are also available for downloading through the Courseware site for this course.

4. **Written Assignments**

There will be a written assignment, to be prepared individually by each student, in connection with the first negotiation. This is not intended to be a research paper but rather a short "thought piece" relating to problems encountered in the particular negotiation. Students must not collaborate on the preparation of this paper. In addition, following each negotiation, each team will be tasked with the collaborative effort of preparation of a paper elaborating on certain questions related to the preparations for, conduct during and results of the negotiation. All assignments are due on the date specified -- no extensions will be permitted without approval of a professor in exceptional circumstances -- and students will be penalized for any late papers. No research paper is required for this course.

5. **Examinations**

There is no final examination in this course.

6. **Grading**

The grade for this course will comprise several elements. First, each negotiation will be graded. The team as a whole will receive a grade for preparation, tactics and outcome. The team negotiation grade makes up roughly 65 percent of the total. Second, the individual paper will be graded, accounting for about another 10 percent. Third, individual participation in class discussions, as well as individual participation in each negotiation, will be graded. These individual participation grades will account for the remaining 25% of the total. Team (and head of delegation) grades depend, in part, on following instructions, carrying out assigned roles, interacting appropriately with headquarters during the negotiation and getting the most possible considering the facts and what is reasonable.

7. **Confidentiality**

Maintaining confidentiality is an important part of every negotiation. The rules governing the confidential treatment of negotiating instructions and internal team documents are explained in the Rules of the Game. The integrity of the simulated negotiation process depends upon following those rules. Failure to maintain required confidentiality will adversely affect not only an individual student's grade but also the grade of his or her team.