

“The Secession of New Mexico”
Complex, Multi-Party Negotiation

**Instructor Notes
& Background**

Skills Addressed

Negotiation and resolving conflict

Target Audience

2Ls and 3Ls, professionals and community activists

Overview

This is a complex scenario with multiple parties, including officials from the United States, New Mexico, Mexico and the United Nations. Participants play the roles of the individual officials for each side. There are up to twelve roles, although the simulation can work with as few as six participants (e.g., two each for the United States and New Mexico, and one each for Mexico and the United Nations). The scenario is designed for use over three or more class sessions (total of 4-6 hours of in-class time):

1. Preparation / reading the materials (30 minutes)
2. Internal preparation meeting for each team on its own (30 minutes)

3. Initial bilateral meetings between sides, in the following sequence:
 - a. United States – United Nations and New Mexico – Mexico (30 minutes)
 - b. United States – Mexico and New Mexico – United Nations (30 minutes)
 - c. Open meetings between any teams who wish to meet in any configuration they choose (or negotiate) (30 minutes)
4. Role meetings between participants playing the same role (if there are a sufficient number of participants in the simulation) (30 minutes)
5. Internal preparation meeting for each team on its own to prepare proposed agenda for #6 below (30 minutes)
6. Group meeting with all sides present to negotiate agenda for future discussions (30 minutes)
7. Open meeting time for the sides to negotiate in any configuration they choose (1 hour) with role meetings (see #4) of internal caucuses (see #5) assigned as necessary to stimulate discussion and strategy
8. Reporting of results and any agreements reached

Scenario Background

By the fall of 2023, a number of dramatic developments have led to the succession of New Mexico from the United States. Tensions between the new nation and its parent country have heightened since the formal secession vote. Many international observers worry about the real possibility of formal conflict between the two countries. Of particular concern is that New Mexico, by virtue of Los Alamos, White Sands and other former United States military facilities and weapons systems, is now the third largest nuclear weapons power in the world, behind the United States and the Russian Federation.

A number of specific actions have also contributed to the anxiety. The United States has deployed nearly 10,000 National Guard troops along the interstates and U.S. highways that connect New Mexico to its neighboring states. Another 7,500 troops are guarding the New Mexico – Mexico border. The troops have been ordered to block all trucks from entering or exiting the new nation, effectively blockading all ground transportation to and from New Mexico. In addition, the United States has frozen the banking assets of companies that claim New Mexico as their home country (which includes some major aerospace and defense companies with important ties internationally).

On the other side, there have been two attacks on U.S. military bases in Arizona where explosives were used against empty transport equipment. These attacks were carried out by militia who claim loyalty to New Mexico (but disavowed by New Mexico leadership). There has been reported sniper fire on some of the U.S. troops patrolling the New Mexican border, but no reported injuries. There is real concern that more conflict could erupt.

The United Nations has appointed a delegation (bypassing a threatened Security Council veto from the United States) to try to broker some sort of agreement to reduce the current tensions. The delegation has asked representatives from each country to attend meetings. Mexico has decided to join the discussions.

Importantly, one of the roles has been assigned to undermine discussions (spoiler) and work to prevent any agreements from being reached.

Learning Outcomes

- ✓ Develop strategies for multiple party negotiations and conflict resolution
- ✓ Understand the importance and complexity involved in setting and negotiating discussion agendas (including time and participants)
- ✓ Practice and improve techniques for resolving challenging conflict and dealing with difficult negotiators and their tactics

Teaching Notes:

1. Set-up and assignments for the participants.
 - a. Introduction. Participants should understand the complexity and breadth of this exercise. There are four sides and as many as twelve individual roles. They will meet with their sides, with other participants playing their role (if there are sufficient numbers), and with other sides in various configurations and schedules. There will be many discussions with more than two people involved so setting clear agendas and managing large group discussions will be a big part of their work. They should be reminded to prepare and think strategically about how meetings will be configured and run.
 - b. Participants set the agenda. Many of the meetings with the other sides are to be structured by the participants. The participants will have to propose, negotiate and structure the agenda and which sides will participate for many of the meetings during the exercise.
 - c. Meetings between participants playing the same role. Depending on the number of participants, there will also be opportunities for participants to meet with other participants playing the same role. This provides a unique opportunity to share information and insights, even strategize to better reach the individual objectives for that role. It also provides for rich and stimulating debrief analysis comparing how different groups worked through the exercise (comparing the perspective of the different participants playing the same role, for example).
 - d. Expectation of challenging discussions. The facts are set up so that agreements are difficult to reach, and the large number of players can lead to many competing interests and even some confusion. In addition, the lack of structure

(where participants are responsible for establishing the meeting agenda and participants) can be difficult for participants accustomed to more structure.

2. Coaching opportunities for instructors during the exercise.

- a. Joining in on smaller group meetings. During the internal meetings between the sides or the meetings between participants playing the same role, instructors can join in on the small discussions and answer questions, provide suggestions and help guide participants who often struggle to know what to do next.
- b. Working with sides excluded from discussions. As the participant-led meetings develop, sometimes one side (or more) is left out (usually Mexico or the United Nations). Working with these teams to help them re-enter discussions can be challenging. All sides are provided with sufficient leverage to stay in the discussions, but it is often challenging for participants to understand how best to use their power to stay in the mix.
- c. Working with the spoiler role. The spoiler (New Mexico's Secretary of Finance) is a secret to the other participants, so whoever plays the spoiler has to be up to the task. Additional coaching on how to undermine discussions without being exposed is usually necessary. Instructors should work with spoilers to help the spoiler exploit inherent tensions in the fact situation (opposed interests) and disrupt the timing of meetings, in ways that are realistic, effective, and opaque (and do not become so disruptive as to undermine the entire exercise – they must play the role as professionally as possible).

3. Debriefing points for discussion.

- a. Managing multiple party discussions. Participants should understand the importance of organizing information about the all of the players involved. Developing an interest chart or other systematic approach to understanding and organizing the interests of all of the players can be a critical first step. The interest analysis should be a vital tool to the participants as they build proposal ideas and try to craft agreements that work well for them and sufficiently well for the other sides involved.
- b. Who gets to be part of the discussions? The final agreement? One of the more interesting aspects for participants is watching how various teams may become excluded during discussions (perhaps even their team). In these types of complex discussions, there is no guarantee that everyone gets to join the talks. In fact, negotiating your own participation can be key. What do you bring to the discussions that is worthy of your participation. Both Mexico and the United Nations have important roles as potential mediators to the dispute and can bring other value to the deal (e.g., Mexico could be part of a third-party oversight regime), but it is not always obvious to the United States and New Mexico that other parties need to be involved.

- c. Building alliances and leveraging relationships. Sides can team up together to try to leverage the combined strengths. For example, Mexico and New Mexico often join forces to try to help each party work to balance the presumed greater power of the United States. Mexico and the United Nations often form an alliance to try to expand the discussions beyond just the United States and New Mexico. Part of the rationale to having the parties meet bilaterally in the beginning of the exercise is to help the sides explore these possible alliances.
- d. How do you deal with spoilers and other trouble-makers? Discussions often break down because of the spoiler (if you have selected a good participant capable of the job). Just like real multiple party discussions, sometime someone does not want a deal. Here, the Secretary of Finance for New Mexico does not want any agreement at this point because of a planned future coup to take over control of New Mexico. Continued conflict helps the plan. Managing the Secretary of Finance involves careful control of the agendas and discussions between sides. Because of the open nature of the discussions, other players from New Mexico (Governor and Chief of the Army) sometimes set up direct talks with the other sides and exclude the Secretary of Finance, particularly once they have discovered the true intent behind the Secretary's actions.
- e. Dealing with positional tactics and hard bargaining. Because of the fact pattern and the many issues where the sides have opposed interests, many participants will be tempted to engage in adversarial negotiation approaches. Participants should understand how to work through these challenges without getting emotionally involved or needlessly sidetracked into lengthy arguments. They should begin to see how enforcing a productive process built around interests and generating possible solutions can help keep difficult counterparts in line. Using more questions than statements to try to identify what is behind the demands of other sides can be useful to find creative solutions to address a broader range of interests (including their own). They should also begin to understand how and when to say no and how to share potential consequences of no agreement.

Individual Roles (asterisks signify essential roles, if there are fewer than 12 participants)

- 1. United States
 - a. Deputy Chief of Staff to the President*
 - b. Assistant Secretary of State*
 - c. Advisor to the Department of Defense
- 2. New Mexico
 - a. Governor*
 - b. Chief of the Army
 - c. Secretary of Finance (spoiler)*
- 3. Mexico
 - a. Foreign Minister*

- b. Deputy Commander of the Armed Forces
 - c. Vice Chair of the National Chamber of Commerce
4. United Nations
- a. Special Rapporteur on New Mexico*
 - b. Deputy Secretary-General
 - c. Chief Legal Officer, Security Council