**Assignment:**

You are required to prepare a negotiation plan based on the fact scenario mentioned below in pages: 3-5. *you may present the plan in any way you wish, but you MUST to set out your answer under these specific headings (these headings will not be counted in the counting word).*

The plan must be of 1000 words only. We have provided approximate word counts for each section to assist you in structuring your plan, so please stick to it.

Remember: Negotiation Plan doesn’t mean writing a negotiation dialogue.

**Heading 1: A summary of the issues arising from the case. Consider factual, legal and ethical issues.**

[Factual, eg: budget, timing, practical problems, etc.

Legal, eg: terms of employment contracts, visa requirements, health & safety laws, etc.

Ethical, eg: equal pay, safety at work, need to work long hours, etc.]

“Note: It would be much better if you write the issues under each type of heading, for example you put the factual issues under factual heading, legal issues under legal heading, ethical issues under ethical heading. This will make your answer more understandable”

[150 words]

**Heading 2: An analysis of the key strengths and weaknesses of your own case and the other party’s case strengths and weaknesses.**

“Note: You can draw the table below. Also, you can answer in bullet points, but you have to write full completed sentences in full English which means don’t cut the sentences in the bullet points because you will be penalised”

|  |  |  |  |
| --- | --- | --- | --- |
| Yours strengths | Yours weaknesses  | Other Party’s strengths | Other Party’s weaknesses  |

 [250 words]

**Heading 3: An identification of your central objective. What are your subsidiary objectives? To what extent can the subsidiary objectives be traded for the central objective?**

[What are your essential/main objective?

What are your secondary/desirable objectives?

For thesubsidiary objectives, think about their Tradability “can you trade them for another things which means concession for somethings else”, also think about the ‘Ideal Compromise’]

“Note: You can draw the table below. Also, you can answer in bullet points, but you have to write full completed sentences in full English which means don’t cut the sentences in the bullet points because you will be penalised”

|  |  |  |  |
| --- | --- | --- | --- |
| Central Objective | ***Subsidiary Objectives***  | ***Ideal Compromise*** | ***Tradability***  |

[250 words]

**Heading 4: What barriers exist to achieving your objective?**

[What are the barriers, discuss them and how to overcome them. Examples of some barriers: culture issues (if they exist), the strategy of the other party can be a barrier, etc..]

[250 words]

**Heading 5: What are the limits of an acceptable agreement? What is your BATNA? What is your WATNA?**

[At what point might you walk away from an agreement, i.e. at least expect?

What is your BATNA? What is your WATNA?

Is your BATNA stronger or weaker than that of the other party?]

“Note: If you want extra marks in this question, then you should mention briefly the BATNA and WATNA of the other party”

“Note: some students mix between BATNA and WATNA as sometimes they mention thing as BATNA, but it is actually a WATNA and vice versa. Also, some students mention things that are not BATNA and WATNA as they are part of negotiations not the BATNA and WATNA. Therefore, please be careful about all of these”.

 [100 words]

[Total word limit: 1000 only]

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Background

The production of the latest James Bond film ‘Desafinado’ has been problematic, and the release date has had to be postponed for several months. Most of the film location arrangements are in place and will probably be retained if and when filming resumes. The one major exception is the set of arrangements for filming in six London locations: the Olympic Park, the Dartford River Crossing, Canary Wharf, the Natural History Museum, the Inner Temple and the finale down the length of Whitehall. Securing and co-ordinating the licences needed to shoot in each of these locations has so far proved very difficult. Each location falls within the jurisdiction of a different local authority.

The importance of reaching a clear agreement about control of the filming and apportionment of risks and liabilities has been brought into sharp focus recently by a disastrous event which occurred while filming a classic Bond stunt. The sequence involved a chase on rocket scooters at the Queen Elizabeth II Bridge, part of the Dartford Crossing Complex. Miraculously no-one was hurt but the bridge was badly damaged and partially collapsed. More than 300 miles of traffic tailbacks were caused and disruption has continued ever since. A preliminary legal claim for £2.5m has been lodged by the bridge’s owners, but there is every chance that further claims will emerge. Whether or not these claims will be covered by insurance will apparently depend on whether proper controls were in place for the filming.

You are Sam Holbein, a lawyer for the Desafinado production company. You have been tasked with agreeing outline contract terms with the local authorities for the various location filming activities. The company has given you a wide discretion, so you are looking to reach firm agreement rather than just identify issues to take back to the client. You are preparing to meet Morgan Asquith, a senior ex-civil servant who has agreed to represent the interests of all the local authorities concerned in this negotiation.

Following the Dartford Crossing fiasco, the production company is keen to ensure a clear division of liability and control between itself and the local authority for future filming activities. You will also need to agree for each location whether streets will need to be closed and for how long, to allow for filming itself, as well as identifying sites for ancillary services such as catering trucks, toilets, make-up etc. Some of the activity will simply involve using streets and buildings for filming actors running around and delivering lines, but in others there will be stunts and explosive action sequences. It may be necessary to reflect in the contract the different risks involved in the different locations.

You are conscious that for every day the film is delayed, the production company loses money. You plan to suggest that all the London filming takes place in the 5 weeks from 9 August-12 September 2020. It will be easier to make effective use of the time if filming is completed in continuous long (14- hour) blocks. The authorities have already indicated that they intend to keep disruption to traffic, businesses and residents to a minimum.

As far as legal liability is concerned, the production company is anxious to make sure it is not held solely responsible for every little thing that happens. Scrapes and scratches to road surfaces and buildings etc are all part of the expected wear and tear of London life. Even for more serious damage, you will suggest that liability will be shared. You think perhaps the production company’s liability in this event should be limited to 40%. For personal injuries, the company will assume liability for the cast and crew, but would expect to bear no more than 60% of the liability for injuries to bystanders and third parties.

You are feeling a little apprehensive as you are about to complete the purchase of a new flat and you have just that realised Morgan Asquith lives next door.

Proposed filming schedule

Queen Elizabeth Olympic Park

There are three elements to this location. There are some straightforward shots of actors arriving at Stratford Station and following each other over the footbridge and on to the stadium – probably an 8- hour shoot. Desafinado would like the railway station closed for this period. Then there are two days of Bond chasing baddies around the park itself and finally a zip line stunt from the top of the ArcelorMittal Orbit sculpture adjoining the park onto the London Aquatic Centre.

Dartford Crossing

This is a relatively easy shoot to mop up the scenes which were disrupted by the last stunt going wrong. There is already extensive footage of the original accident. The bridge collapse can be worked into the script. The crew will need to spend around 3 days in total, partly at the Oil Storage Depot at the north end of the bridge (which will be a secret underground base in the film) and partly at the Longreach Sewage Treatment Works on the south side (for a comic scene where characters try to avoid falling into the sewage).

Canary Wharf/Isle of Dogs

There are also three elements to this shoot and all involve stunt work. Ideally they would all be shot over 6 or 7 continuous days but they could also be shot independently. First there is a 2-day shoot involving climbing all over the tower at One Canada Square. Then there is a major set piece sequence involving a chase on jet skis and miniature submarines. Finally there is a huge running gunfight to be filmed inside the Isle of Dogs Asda superstore which will probably take around 2 days. Clearly there is huge potential for noise disruption to residents and offices in the area.

Inner Temple

This is a simple set of walking and talking scenes in a picturesque setting. Two specific sites are needed: Inner Temple Gardens (which hides a weapons base in the film) and Temple Church. In addition the crew would like access to as many of the streets and footpaths through Inner and Middle Temple as possible.

Natural History Museum and the Royal Albert Hall

These two buildings are close together and are linked in the film by a hang-glider flight from the roof of the museum to the roof of the hall. The hang-glider stunt will take a day to shoot and can probably be shot without closing any of the surrounding streets. There is a hide and seek sequence inside the museum which will take around 2 days. Finally there is a shoot-out on the roof of the Albert Hall involving high performance, state of the art turbo crossbows, which could take a further 2 days.

Whitehall finale

This is a big fight scene at the end of the film where two armies (goodies and baddies) fight their way from the National Gallery across Trafalgar Square and down Whitehall. The fight escalates across the front of the Houses of Parliament and comes to a climax in Westminster Abbey. The whole process will take at least 3 days to film. Morgan has already expressed concern about the security implications of armed actors, and a large cast of extras, running amok close to various government ministries.