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Spring 2019

## DIPL 6104 The Art and Science of Negotiation

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Sergio de Mello

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January 7, 2019

## **The Art and Science of Negotiation**

DIPL 6104

Spring 2019

Instructor: Tatsushi (Tats) Arai, PhD, Sergio de Mello Endowed Visiting Chair in the Practice of Post-Conflict Diplomacy

Classroom: SH 09 - Stanford Hall

Office Hours: 3:30-5:30pm, January 18, February 8, and February 22. By appointment. An office hour sign-up sheet will be circulated in class.

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Phone: 973-275-2969 (Number shared with Ms Susan Malcolm)

### **COURSE OBJECTIVES**

Negotiation is a transactional exchange between two or more parties trying to achieve their respective goals by finding a mutually acceptable way of resolving their differences. Negotiation takes place in all aspects of social life, from family to community, business, politics, and international diplomacy.

This class is an introduction to theories and methods of negotiation with a specific focus on intergroup and international relations. Moreover, this class covers selected methods of public diplomacy and conflict management in which an application of negotiation skills is necessary and useful. These methods contribute to the development of culturally-informed peace processes as well as broad-based peacebuilding platforms capable of sustaining and expanding the momentum of negotiations and conflict management initiatives.

The method of instruction and learning is highly participatory and experiential. The class participants will play an active role in simulations, case studies, and other forms of hands-on exercises. They will explore real-world applications of the theories, methods, and practitioner insights.

The learning objectives of this course are as follows:

1. Learn selected theories and skills in intergroup and international negotiation.
2. Acquire basic skills in a systematic, multi-angled analysis of social conflict as a basis for negotiation.
3. Explore diverse applications of negotiation skills in peace process design, post-conflict reconstruction, and other real-world contexts of diplomacy.
4. Create a mutually supportive environment of learning and self-reflection in which class participants can start building their own styles and ethics of negotiation based on their critical reflections on the course readings, discussions, and exercises.

## GRADED ASSIGNMENTS, DUE DATES, AND GRADING CRITERIA

- Attendance and class participation 35% See below.
- Group presentation (including a presentation outline) 15% See Attachment 1.
- Final take-home examination 50% See Attachment 2.

Important dates of which the students should take note include:

- January 19 (Saturday): Selection of two group presentation topics from the list of four topics (Attachment 1).
- February 9 (Saturday): Questions for the final take-home examination distributed.
- February 15 (Friday): Outline of group presentation due.
- February 18 (Monday): The instructor's feedback on the group presentation outline, sent to students by email.
- February 23 (Saturday): Group presentation in class.
- March 4 (Monday): Final take-home examination due.

Students' performances in attendance and class participation will be evaluated throughout the three weekend workshops. Students will earn full marks for their class attendance and participation if they have:

- a. Shown up punctually at the beginning of each session *and* fully attended all the three weekend sessions. (Each unexcused absence, as well as a pattern of lateness, will result in a noticeable deduction of points from the attendance grade. Six hours of unexcused absence will automatically result in a failing grade.)
- b. Consistently refrained from using the Internet except when students are explicitly asked to access online resources.
- c. Read all the required readings before class, proactively and consistently raised well-informed, thoughtful questions, responded to other students' and the instructor's questions and comments, and contributed ideas to the class discussions in such a way as to demonstrate the students' comprehension and analysis of the readings.
- d. Regularly demonstrated their skillfulness in leading group exercises and enabling other group members to work collaboratively, while also being able to play a less conspicuous supportive role in enabling others to take the lead when necessary.
- e. Clearly recognized less developed skills and qualities of the students and consistently made efforts to work on the areas of growth.
- f. Made outstanding contributions to fostering an atmosphere of active mutual learning in a manner that is not fully captured by the above criteria.

Other important considerations for evaluation include:

- *Make-up assignment:* There is no make-up assignment for a missed session. This is because this course is a laboratory of experiential learning, and once an experience of interactive learning is missed, it is not possible to make up. Make arrangements with classmates for notetaking and/or video-taping if there is a need to miss a session.

- *Lateness*: Papers submitted late without a pre-approved, policy-supported reason will not be accepted. Late submission will be clearly reflected in the student's final grade.
- *Definitive status of submitted work*: All papers, once submitted for grading, are final. While students can re-write their graded papers for their own learning purposes, their grades will remain unchanged. To perform well in writing assignments, the students are encouraged to consult the instructor and seek advice early.

### **ACADEMIC INTEGRITY AND DISHONESTY**

All forms of dishonesty such as cheating, plagiarism, and knowingly furnishing false information to the University are prohibited and may elicit University sanctions of suspension or expulsion.

Please consult University and school statements on academic conduct at

<http://www.shu.edu/offices/community-development/community-standards/community-standards.cfm> and <http://www.shu.edu/academics/diplomacy/academic-conduct.cfm>.

### **POLICY ON INCOMPLETES**

Incompletes will be given only in exceptional cases of emergency. Students wishing to request a grade of Incomplete must provide documentation to support their requests including by submitting a Course Adjustment Form (available at the Diplomacy Main Office) to the course instructor *before* the final paper is due. If the incomplete request is approved, the professor reserves the right to specify the new submission date for all missing coursework. Student who fail to submit the missing coursework within this time period will receive a failing grade for all the missing coursework and for a final grade based on all the coursework assigned. Any Incomplete not resolved within one calendar year of receiving the Incomplete or by the time of graduation, whichever comes first, automatically becomes an "FI," which is equivalent to an F. It is the responsibility of the student to make sure that they have completed all course requirements within the timeframe allotted. Please be aware that Incompletes on transcripts will affect financial aid and academic standing.

### **CITATION FORMAT**

Papers should follow the Chicago Manual of Style.

### **ACADEMIC RESOURCES**

Students are encouraged to make use of the academic resources. Please consult them early in the semester if necessary.

Academic Resource Center, Arts & Sciences Hall Room 242,  
<https://www13.shu.edu/offices/arc/index.cfm>; [arc@shu.edu](mailto:arc@shu.edu); (973)761-9108

Online Writing Lab, <http://academic.shu.edu/owl/front.htm>; [owl@shu.edu](mailto:owl@shu.edu)

Writing Center, Walsh Library, 3<sup>rd</sup> Floor, <http://blogs.shu.edu/studenttoolkit/the-writing-lab/>

(973)761-7501; appointment through Compass

## **DISABILITY SERVICE STATEMENT**

It is the policy and practice of Seton Hall University to promote inclusive learning environments. If you have a documented disability, you may be eligible for reasonable accommodations in compliance with the University policy, the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and/or the New Jersey Law against Discrimination. Please note that students are not permitted to negotiate accommodations directly with professors. To request accommodations or assistance, please communicate with the Office for Disability Support Services (DSS), Duffy Hall, Room 67 at the beginning of the semester. For more information or to register for services, please contact DSS at (973) 313-6003 or by email at [DSS@shu.edu](mailto:DSS@shu.edu)

## **COURSE SCHEDULE AND READING ASSIGNMENTS**

This course consists of three weekend (Friday and Saturday) workshops. They will be held on January 18-19, February 8-9, and February 22-23. The timeframe of each workshop is 8:30am-3:30pm. A lunch break is 12:30-1:30pm and subject to change.

There is no required textbook to purchase. However, there is a complementary study guide on Blackboard that the students will always need to bring to class. It is worth printing out the guide and binding it because it will be used frequently.

The students must complete the pre-class assignment prior to each of the three workshops. Pre-class assignments include a review of the portion of the study guide that describes exercise scenarios and other course materials that will be used in each of the workshops.

All the required readings are available on Blackboard. Recommended readings available on Blackboard are indicated as such in the following course schedule.

### **Workshop 1 (January 18-19): Introduction to Basic Concepts and Skills**

Key Topics:

- Introduction to selected concepts in conflict studies - conflict, conflict dynamics, violence, negotiation, and other means of managing and resolving conflict
- Systems thinking
- Conflict analysis
- Overview of different approaches to negotiation - integrative and distributive; power-based, rights-based, interest-based, and transformative
- Creativity
- Types of conflict and negotiation - interpersonal and inter-group; simple two-party conflict/negotiation and complex multi-party conflict/negotiation
- Self-assessment of students' negotiation styles

Pre-class Assignment:

Required:

- Review this syllabus in its entirety and bring questions to class if any.

- Study guide pp. 4-49 and pp. 122-124. Be prepared to discuss your answers to the exercise questions in “Becoming a Negotiator and Conflict Resolver” (p. 5) and “Exercise Scenario: A Conflict over ‘Accidental Pregnancies’ in the United States” (pp. 43-45).
- Barsky, A.E. 2014. Negotiation, In *Conflict resolution for the helping professions*, 65-104. N.Y.: Oxford University Press.
- Galtung, J. 2004. *Transcend and transform: An introduction to conflict work*, viii-17. Boulder, Colo.: Paradigm Publishers. (From Preface to the first part of Chapter 1 is required. The rest is optional.)

Recommended:

- Landlord-tenant negotiation and mediation (YouTube 20 min) – Simulation presented by the Mediation Center of Greater Green Bay in cooperation with the University of Wisconsin at Green Bay. A useful illustration of interest-based negotiation and mediation. Available at: <https://www.youtube.com/watch?v=j6JEpg10pbw>
- Fisher, S., D I. Abdi, J. Ludin, R. Smith, S. Williams, and S. Williams. 2000. Tools for conflict analysis, In *Working with conflict: Skills and strategies for action*, 17-35. London: Zed Book. (Available on Blackboard.)
- Fisher, R., and W. Ury with B. Patton as editor. 2011. *Getting to yes: Negotiating agreement without giving in*. N.Y.: Penguin Books.
- Meadows, D. H. 2008. The Basics, In *Thinking in systems: A primer*, ed. D. Wright, 12-34. White River Junction, Vt.: Chelsea Green Publishing. (Available on Blackboard.)

**Workshop 2 (February 8-9): Selected Topics and Challenges in Negotiation**

Key Topics:

- Culture, identity, conflict, and negotiation
- Negotiation in crisis
- Peace process and negotiation
- Multi-track diplomacy
- Empathy

Pre-class Assignment:

Required:

- Study guide pp. 49-103 and pp. 122-124. Be prepared to discuss your responses to the case studies on Iraq (p. 75), the Taiwan Strait (pp. 76-77), and Burundi (pp. 92-93).
- Final press conference on December 18, 2018 by UN Special Envoy to Syria Staffan de Mistura (YouTube 9 minutes). Watch the second half of his presentation, in which he reflects on his experience as the chief UN mediator in the peace negotiations in Syria. Available at: <http://webtv.un.org/watch/staffan-de-mistura-special-envoy-for-syria-press-conference-geneva-18-december-2018/5981034062001/>

- Arai, T. 2006. Chapter 4: Journey toward cultural fluency and Chapter 5: When waters of culture and conflict meet, In *Conflict across cultures: A unique experience of bridging differences*, ed. M. Lebanon et al., 57-110. Boston: Intercultural Press.
- Diamond, L., and J. McDonald. 1996. Introduction & The system as a whole: Multi-track diplomacy, In *Multi-track diplomacy: A systems approach to peace*, 1-25. West Hartford, Conn.: Kumarian Press.
- Gurtov, M. 2018. Chapter 2: Engaging adversaries, In *Engaging adversaries: Peacemaking and diplomacy in the human interest*, 7-33. Lanham, Md.: Rowan & Littlefield.

Recommended:

- Arai, T. 2016. Strait Talk: Youth-led civil society dialogues across the Taiwan Strait. *Asia Pacific Peace Studies* 1 (1): 45-68. [http://apps-i.org/wp-content/uploads/2016/10/APPS\\_1.1\\_pp45-68\\_arai.pdf](http://apps-i.org/wp-content/uploads/2016/10/APPS_1.1_pp45-68_arai.pdf)
- \_\_\_\_\_. 2015. Engaging conflict history: Toward an integrated method of conflict resolution dialogue and capacity building. *Conflict Resolution Quarterly* 32 (3): 277-298. (The article describes how to work on identity-based conflicts. Available on Blackboard.)
- \_\_\_\_\_. 2009. *Creativity and conflict resolution: Alternative pathways to peace*. London: Routledge. (Introduction, pp. 1-17, and Conclusion, pp. 198-208, recommended. Available on Blackboard.)
- Saunders, H with contributions by L. Diamond, H. C. Kelman, J. Marks, J. V. Montville, and V. Volkan. 2000. Interactive conflict resolution: A view for policy makers on making and building peace, In *International conflict resolution after the Cold War*, ed. P. C. Stern and D. Druckman, 251-293. Washington DC: National Academy Press. (Available on Blackboard.)

**Workshop 3 (February 22-23): Advanced Negotiation Skills and Concepts**

Key Topics:

- Negotiation in post-conflict humanitarian assistance and reconstruction
- Mediative capacity for broad-based social mobilization
- Sustainable peacebuilding platforms

Pre-class Assignment:

Required:

- Study guide pp. 104-118 and pp. 122-124.
- United Nations Human Rights Council. 2018. Summary report on the independent international fact-finding mission on Myanmar. August 24. [https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/A\\_HRC\\_39\\_64.pdf](https://www.ohchr.org/Documents/HRBodies/HRCouncil/FFM-Myanmar/A_HRC_39_64.pdf), especially pp. 4-8.
- Arai, T. 2018. Repatriation and reconciliation challenges in north-eastern Nigeria: Toward an integrated framework of analysis and action. *Conflict Trends* 1.

<https://www.accord.org.za/conflict-trends/repatriation-and-reconciliation-challenges-in-north-eastern-nigeria/>

- Lederach, J. P. 2003. Process-structures as platforms for change, In *The little book of conflict transformation*, 40-47. Intercourse, Pa.: Good Books.
- \_\_\_\_\_. 2005. On mass and movement, In *The moral imagination: The art and soul of building peace*, 87-100. Oxford: Oxford University Press.
- Gurtov, M. 2018. Chapter 3: Successful engagement - US relations with Iran and Cuba, In *Engaging adversaries: Peacemaking and diplomacy in the human interest*, 35-59. Lanham, Md.: Rowan & Littlefield.

Recommended:

- Making monkey business (YouTube video 34 minutes) – A case study of inter-group peacemaking in the Philippines produced by Harvard University’s JFK School of Government. Available at: <https://www.youtube.com/watch?v=OPDEIKxtXdM>
- Arai, T. 2017. Conflict-sensitive repatriation: Lessons from displaced communities in north-eastern Nigeria. *Conflict Trends* 1. <https://www.accord.org.za/conflict-trends/conflict-sensitive-repatriation/> (The first part of the article summarizes the background of Boko Haram’s insurgency.)
- Arai, T. 2017. Toward a Buddhist theory of conflict transformation: From a simple actor-oriented conflict to complex structural conflict. *Peace and Conflict Studies* 24 (2). <https://nsuworks.nova.edu/pcs/vol24/iss2/5/> (The article develops a non-Western approach to the resolution of conflict and illustrates its practical application in Myanmar.)
- Fletcher, T. 2016. *The naked diplomat: Understanding power and politics in the digital age*. London: HarperCollins.



## Attachment 1: Instructions for the Final Group Presentations

15 percent of the course grade

The group project consists of the following two parts:

- A 1-to-2-page concept note describing how your group will go about answering one of the questions. (See the list of questions below.)
- A 30-minute group presentation followed by a 15-minute open question and answer session

By the end of the first weekend workshop, you will be asked to choose two possible presentation topics from those described in the following list. Depending on the number of students who have signed up for each topic, you will be assigned to work on your first choice or your second choice. The instructor will assign you to a four to five-person team that will focus on a specific topic.

Each topic is designed to enable a student group to integrate multiple readings, themes, and lessons from the class exercises and develop a thoughtful response.

List of Group Presentation Topics to Choose From

1. *Comparison between different negotiation strategies*: Identify a case study of intergroup and/or international conflict that interests you and describe it. Your description may include the geographic and historical context of the conflict, key parties involved, and their goals and/or needs at stake. Compare interest-based negotiation with another strategy (or multiple strategies) of negotiation that interests you, for example, power-based, rights-based, transformative, or any other strategy you have studied in this class and/or from other sources. Your analysis should use the selected case study as a context of your inquiry and generate practical suggestions for the design and/or conduct of the negotiation. For the purpose of your presentation, you may play the role of either one of the major conflict parties or an outside analyst/intermediary trying to understand the perspectives of the multiple parties.
2. *Culture*: Identify a case study of intergroup and/or international conflict that interests you and describe it. Your description may include the geographic and historical context of the selected conflict, key parties involved, and their goals and/or needs at stake. Using the case study as a context of your inquiry, explore how to carry out culturally sensitive negotiations to manage or resolve the conflict. As you describe each of your major design choices and/or steps, articulate your cultural rationale. For the purpose of this presentation, you may play the role of either one of the major conflict parties or an outside analyst/intermediary trying to understand the perspectives of the multiple parties.
3. *Multi-track diplomacy*: Design a process of multi-track diplomacy in a well-defined social context of your choice where negotiations between governments (or between a government and a non-state actor) have been stalled or non-existent. Define key questions you would like to ask. For example, how do you describe your affiliations, roles, and/or social identities to the parties and stakeholders?; what are the objectives of the initiative?; what channels of communication will your initiative seek to establish, and

which individuals and/or organizations will you engage?; what are the key negotiation and/or communication skills you will be using, and in what specific contexts will you use them?; how will you measure the effectiveness of your initiative? These questions are illustrative only and intended to stimulate your original thinking.

4. *Humanitarian and development assistance*: Imagine working as a humanitarian assistance and/or development professional in a deeply conflict-affected society. While you do not have an official role or status as a conflict negotiator or mediator, you will need to skillfully tackle conflict issues in order to fulfill your responsibility as a humanitarian and/or development professional. Given this background, identify a specific social context that meets these criteria and describe the context with necessary background information. Explore how you will use the negotiation skills you have learned in this class to carry out your assignment. Illustrative examples of humanitarian and/or development challenges include negotiating humanitarian access to restricted areas under tight government control; introducing gender-sensitive development in a highly patriarchal society; practicing a standard of fairness in humanitarian aid distribution in a social setting in which corruption is widespread; providing emergency relief in a context of human rights abuses and/or power asymmetry in which it is difficult to uphold the humanitarian principle of neutrality. You may focus on one specific context and/or challenge or alternatively, you may choose to tackle multiple issues.

#### *Presentation*

A 30-minute presentation that your group will deliver will need to:

1. Explicitly incorporate diverse ideas that the course readings and discussions have covered.
2. Clearly and fully answer the assigned questions with relevant supporting evidence and convincing arguments.
3. Show thoughtful implications of your analysis for applied practice and/or recommendations.
4. Have a coherent and logical flow of your argument from the beginning to the end.
5. Engage the audience effectively during the question and answer section.
6. Demonstrate effective teamwork, including a balanced division of tasks and a commitment to mutual respect for all members of the group.
7. Observe the time limit. This includes completing logistical preparations (for example, uploading slides and YouTube videos and hanging posters if necessary) either before class starts or during a scheduled break.

Your group presentation will be evaluated based on these seven criteria with an emphasis on criteria 1 to 4. All the members of the team will receive the same grade in the form of numerical points.

A creative presentation format that departs from a traditional style of lecturing is welcome so long as the selected format enables the team to meet the seven criteria.

Suggested steps for group work include completing required course readings early and scheduling at least two group meetings before writing a concept note.

### *Concept Note*

Please email the instructor a 1-to-2-page concept note by February 15 (Friday). The concept note should succinctly state how your team will go about answering the questions in whatever manner the team finds useful. However, a clear indication of how the team plans to incorporate relevant course materials, as well as what the basic components of the presentation will look like, will be required. Please include the working title of the presentation and all the team members' names in the concept paper. In addition, when the team emails the note to the instructor, please *copy all the team members* on the email so that the instructor can reply to all.

The purpose of submitting a concept note in advance is to enable the team to plan its presentation early, discuss relevant course materials together, and enable the instructor to give the team feedback prior to the team's presentation. The instructor will email the team members written feedback on their presentation outline by February 17 (Sunday). All the team members are required to review the instructor's feedback and make improvements, if necessary, before their group presentation. It is not required to submit an updated outline to the instructor, however.

While the concept note will not be graded, its timely submission and thoughtfulness may have a positive impact on the presentation grade.

### *Suggested Ground Rules for Group Work*

Collaborative efforts to conduct research and deliver a group presentation are rewarding. Our capacity to work with others is important as we strive to work successfully in diplomacy and international affairs. For this reason, it is encouraged to take this group assignment as an opportunity to practice team-building and leadership skills.

Experience suggests that there are ground rules useful for building effective teamwork. These ground rules include the following.

1. If you tend to speak well (or much), be self-conscious. Learn to ask stimulating questions and purposefully create room for others to join the conversations.
2. If you are quiet in group settings, be self-conscious. Learn to present your ideas proactively and take a leading role in group discussions.
3. Be clear about role assignments and target dates to make progress as a group. Be responsible and punctual once you have accepted tasks you must complete to support your team.
4. Feel free to appoint a facilitator for each meeting in order to manage time and group dynamics. Possible tasks of a facilitator include setting an agenda for the meeting, defining goals and questions that need to be addressed, eliciting responses and perspectives from group members to deepen discussions, building consensus when necessary, summarizing points of agreement (and disagreement), and articulating future steps. Group members may take turns to facilitate.

5. While it is important to be open to diverse points of view, it is also important to recognize that there are different levels of preparedness and thoughtfulness that group members can introduce to group discussions. Be sure to do the necessary reading and be informed of the substantive content of the discussions.
6. If a disagreement persists, don't push. If the disagreement cannot be resolved after careful listening and creative problem-solving, move on to other topics and come back to it later. See if you can find a fresh perspective that can help the team reframe the basis of their disagreement.

## **Attachment 2: Final Take-Home Examination**

Due on May 4 (Monday)

50 percent of the course grade

You will be writing a 7 to 10-page paper that responds to one of the multiple prompts you will receive by February 9 (Saturday).

This final assignment is an open-book examination. It will give you an opportunity to demonstrate your grasp of the key concepts and skills you will be learning from the course readings, discussions, and exercises. The best way to prepare for the final examination is to complete the course readings on time and keep a diary of your reflections and lessons from the readings, class discussions, and exercises. Please use the time you will have to prepare for and reflect on each session as an opportunity to build a customized negotiation journal of your own, which you can continuously develop even after the completion of this course.

The prompts will be designed to enable all the students keeping up with the required readings and class discussions to demonstrate their understanding of the course materials.