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School of Diplomacy and International Relations

Spring 2013

The Art and Science of International Negotiation

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Seton Hall University

John C. Whitehead

School of Diplomacy and International Relations

Course:

The Art and Science of International Negotiation

DIPL 4183

Spring 2013

Class: Monday/Wednesday

8:30 A.M. – 9:45 A.M.

Location: Duffy Hall, Room 61

Prof. Daniel Herman

Office Hours: By Appointment

Course Description

States, NGOs and international organizations all negotiate with each other in the context of international conflicts. In this course, students practice and improve their negotiation skills in interactive exercises, learn theories and dynamics of conflict, and apply this knowledge to practical cases. It is designed for students who are interested in understanding the dynamics of the negotiating process and in improving their critical thinking and analytic skills.

Negotiating dynamics can be appreciated in terms of turning points, shifts in bargaining positions, motivations behind sudden concessions, tacit bargaining, coalition building, intermediary intervention as well as the role of negotiation culture, power, emotions, and a communication process in shaping a decision maker's perceptions and behavior.

We will review the theoretical literature on international negotiation and conflict resolution, including traditional approaches, cross-cultural perspectives, and political frameworks and how different factors and contexts can influence the negotiation process and its outcome (such as the nature of the issues, power, ethics, information technology, third party intervention, culture and violence).

This course encourages discussion and collaborative learning. This course uses case study methods and emphasizes the writing of policy papers that articulate options and assess costs and benefits of alternatives and makes an informed recommendation to the decisionmaker.

Course Outline at a Glance

Readings for each Discussion session are shown in the “Lecture/discussions” section below the following chart.

	In Class	Out of Class Strategy Sessions	Written Assignments
Course Introduction			
1. Jan 14	Introduction to the Course		
2. Jan 16	Discussion		
Jan 21	NO CLASS (MLK Holiday)		
Case Studies Round 1 (Case Study 1 and 2)			
3. Jan 23	Discussion	Team 1-2	
4. Jan 28	Discussion	Team 3-4	
5. Jan 30	Team 1(1) - 2 (2)	Team 5-6	
6. Feb 4	Team 3(1) - 4 (2)		
7. Feb 6	Team 5(1) - 6 (2)		
Case Studies Round 2 (Case Study 3 and 4)			
8. Feb 11	Discussion	Team 1-2	
9. Feb 13	Discussion	Team 3-4	Essay #1 DUE
10. Feb 18	Team 1(3) - 2 (4)	Team 5-6	
11. Feb 20	Team 3(3) - 4 (4)		
12. Feb 25	Team 5(3) - 6 (4)		
Case Studies Round 3 (Case Study 5 and 6)			
13. Feb 27	Discussion		
Mar 4	NO CLASS (Spring Break)		
Mar 6	NO CLASS (Spring Break)	Team 1-2	
14. Mar 11	Discussion	Team 3-4	Essay #2 DUE
15. Mar 13	Team 1(5) - 2 (6)	Team 5-6	

16. Mar 18	Team 3(5) - 4 (6)		
17. Mar 20	Team 5(5) - 6 (6)		
Case Studies Round 4 (Case Study 7 and 8)			
18. Mar 25	Discussion		
19. Mar 27	Discussion	Team 1-2	Essay #3 DUE
Apr 1	NO CLASS (Easter)	Team 3-4	
20. Apr 3	Team 1(7) - 2 (8)	Team 5-6	
21. Apr 8	Team 3(7) - 4 (8)		
22. Apr 10	Team 5(7) - 6 (8)		
Case Studies Round 5 (Case Study 9 and 10)			
23. Apr 15	Discussion	Team 1-2	
24. Apr 17	Discussion	Team 3-4	Essay #4 DUE
25. Apr 22	Team 1(9) - 2 (10)	Team 5-6	
26. Apr 24	Team 3(9) - 4 (10)		
27. Apr 29	Team 5(9) - 6 (10)		
Course Conclusion			
28. May 1	Discussion		
29. May 6	Discussion		Essay #5 DUE

Lecture/discussions

Class 1. (Jan 14) Course Introduction

Class 2. (Jan 16) International Negotiation in Theory and Practice

Bercovitch, Jacob and Richard Jackson, "International Conflict and Its Resolution: Moving from the Twentieth to the Twenty-first Century", *Conflict resolution in the twenty-first century: principles, methods, and approaches* (Ann Arbor: University of Michigan Press, 2009), pp. 1-16.

Ramsbotham, Oliver, Tom Woodhouse and Hugh Miall. *Contemporary Conflict Resolution* (Malden, Massachusetts: Polity Press, 2007) "Introduction to Conflict Resolution: Concepts and Definitions", pp. 3-31 "Conflict Resolution: Origins, Foundations and Development of the Field", pp. 32-54.

Class 3. (Jan 23) International Negotiation in Theory and Practice / Training and the practice of international negotiation.

- Babbitt, Eileen F, "The Evolution of International Conflict Resolution: From Cold War to Peacebuilding", *Negotiation Journal*; Oct 2009; 25, 4
- Crocker, Chester A., Fen Osler Hampson, Pamela Aall, editors. *Herding cats : multiparty mediation in a complex world* (Washington, D.C. : United States Institute of Peace Press, 1999) pp. 3-18
- Greenberg, Melanie C., John H. Barton, and Margaret E. McGuinness, *Words over war: mediation and arbitration to prevent deadly conflict* (Lanham, Md. : Rowman & Littlefield Publishers, 2000) "Introduction: Background and Analytical Perspectives", pp. 1-12.

Class 4. Jan 28 International Negotiation in Theory and Practice / The role of history in establishing the context for negotiation.

- Menkel-Meadow, Carrie, *Chronicling the Complexification of Negotiation Theory and Practice*, *Negotiation Journal*; Oct 2009; 25, 4
- Kremenyuk, Victor, 2002, "The Emerging System of International Negotiation", chapter 2 in V. Kremenyuk, ed., *International Negotiation: Analysis, Approaches, Issues*, 2nd edition (Jossey-Bass, 2002).

Class 8. (Feb 11) The Distributive Framework of Negotiations

- P. Terrence Hopmann, "Two Paradigms of Negotiation: Bargaining and Problem Solving", *The ANNALS of the American Academy of Political and Social Science* November 1995 542: 24-47
- Pruitt, D.G., "Flexibility in Conflict Episodes," 542 *The Annals of the American Academy of Political and Social Science* pp. 100-115 (November 1995).

Class 9. (Feb 13) Pre-Negotiation and Stakeholder Analysis / Interaction of bureaucratic, domestic, and international politics.

- Putnam, Robert D., "Diplomacy and domestic politics: the logic of two-level games", *International Organization*, Summer 1988, Vol. 42, p427-460, 34p
- Stedman, Stephen John, "Spoiler problems in peace processes", *International Security*, Fall 1997, Vol. 22, p5-53.

Class 13. (Feb 27) Preparation and Strategy

- Enia, Jason S. "Sequencing Negotiating Partners: Implications for the Two-Level Game?" *Negotiation Journal* 25, no. 3 (July 2009)

Wanis-St. John, Anthony and Darren Kew. "Peace Processes, Secret Negotiations and Civil Society: Dynamics of Inclusion and Exclusion." *International Negotiation* 13, no. 1 (2008): 1-9.

Class 14. (Mar 11) Negotiating through an Agent

Lax, David A., and James K. Sebenius. "Negotiating through an Agent." *Journal of Conflict Resolution* 35, no. 3 (September 1991): 474-93.

Class 18. (Mar 25) Power and Negotiations / Distinguishing between formal positions taken in negotiations and the underlying interests of the parties.

Rouhana, N.N. and Korper, S.H. "Dealing with the Dilemmas Posed by Power Asymmetry in Intergroup Conflict," *Negotiation Journal*, Vol. 12, No. 4, 1996, pp. 353-366.

Rubin, J.Z. & Salacuse, J.W. "The Problem of Power in Negotiation," *International Affairs*, April 1990, pp. 24-34

Rubin, J.Z. & Zartman, I.W. "Asymmetrical Negotiations: Some Survey Results that May Surprise," in *11 Negotiation Journal Issue 4*, pp. 349 – 364 (1995).

Class 19. (Mar 27) Psychological Processes in Negotiation / The importance of personal relationships and the development of trust

Robert S. Adler, Benson Rosen and Elliot M. Silverstein, "Emotions in Negotiation: How to Manage Fear and Anger", *Negotiation Journal* 14, no. 2 (April 1998): 161-79

Class 23. (Apr 15) The impact of cultural differences on the process and outcome of negotiations / Challenges posed by ethnic and religious conflicts.

Bell, D. "Political Linguistics: a Cross Cultural Perspective." *Negotiation Journal*, July 1988, 233-246.

Binnendijk, H. *National Negotiating Styles*. Washington, DC: Foreign Service Institute, U.S. Department of State, 1987.

Cicourel A., "Text and Context: Cognitive, Linguistic, and Organizational Dimensions in International Negotiations." *Negotiation Journal*, July 1988, 257-266.

Faure, G.O. "Negotiating in the Orient: Encounters in the Peshawar Bazaar, Pakistan", *Negotiation Journal*, 1991, 7, pp. 279-290.

Graham, J.L. "The Japanese Negotiation Style: Characteristics of a Distinct Approach." *Negotiation Journal*, 1993, 9, pp. 123-140.

Class 24. (Apr 17) Third Party Roles in Negotiation

Bercovitch, J. "Mediation in International Conflict: An Overview of Theory, A Review of Practice," in Zartman, I.W. and Rasmussen, J.L. *Peacemaking in International Conflict*. Washington D.C.: U.S. Institute of Peace, 1997. pp. 125-153.

Class 28 (May 1) Third Party Roles in Negotiation

Class 29 (May 6) Implementation of international agreements and the role of international regimes

Stedman, Stephen John, Donald Rothchild and Elizabeth M. Cousens, eds. *Ending Civil Wars: The Implementation of Peace Agreements* (Lynne Rienner Publishers, 2002), pp. 1-40.

Team-Based Active Learning Exercises for Case Studies

This course will be centered around major peace process negotiation simulation.

This is an opportunity to strategize, react to dynamics, learn from experiences and mistakes, anticipate moves, and to plan.

Each team will have one *private* session per case study in which to strategize.

Although this session is in lieu of the normal class, team members are still expected to do the assigned readings.

Each team is expected to include the following topics in their team presentations:

- Who were the main conflicting parties?
- Historical origins of conflict
- When did the conflict begin?
- What major issues were at stake?
- When did the negotiations occur?
- Who were the principal negotiators?
- Were there any key turning points in the negotiation process?
- Was the negotiation "successful"? By what criteria?
- What role, if any, did international law play?
- What hypotheses about negotiations does this case suggest?

- Are there any general lessons or insights you can gain from this case?
- What unanswered questions about negotiations do these examples raise for you?

Case Studies

The class will select 10 cases from the following (at least 1 from each category)

1.	Europe
A	Bosnia / Dayton Accords (ending 1991-1995 war in Yugoslavia)
B	Northern Ireland (1998 Good Friday Agreement)
C	Georgia/South Ossetia/Russia (August 2008)
2.	Middle East / Southwest Asia
A	Oslo Peace Process (Israel-Palestine 1991-1993)
B	Lebanon's Ta'if Agreement (1989 ending the Lebanese Civil War)
C	The Israeli-Syrian Peace Talks, 1991-1996
D	Iran's nuclear program (current)
E	US Withdrawal from Iraq (2009-2011)
F	US Withdrawal from Afghanistan (current)
3.	South Asia
A	India-Pakistan (Kashmir Dispute - current)
B	Sri Lanka / LTTE (2002-03)
4.	East Asia
A	South China Sea (Current territorial disputes)
B	North Korea's nuclear program (current)

C	Cambodia (1989-1993)
D	Paris Peace Accords (1973 Vietnam War)
5.	Central America
A	Esquipulas II (Guatemala 1987)
B	Panama Canal Treaty Negotiations
6.	Sub-Saharan Africa
A	Mozambique (1992)
B	Rwanda / Burundi (1990's)
C	South Africa (Ending apartheid 1990-1993)
7.	Non-violent Issues
A	NAFTA Agreement (1986-1992)
B	Framework Convention on Climate Change (1992) / Kyoto Protocol (1997)
C	United Nations Convention on the Law of the Sea (1973-1982)

Grading

Attendance	5%
Participation in team presentations	20%
Participation in class discussions	25%
Written Assignments	50%
Total	100%

Required Textbooks

All assigned readings *have been uploaded* to the Blackboard website for this course.

