

# PAX 597

Summer  
Peacebuilding  
Institute 2008

Session III:  
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Eastern Mennonite  
University/  
Center for Justice &  
Peacebuilding

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## Course Objectives

- Develop a set of conceptual distinctions between two-party and multiparty conflicts
- Develop a repertoire of analytical models to determine the best approach to achieving consensus
- Apply analytical models and skills to case studies, including a range of interpersonal, community and international conflicts.

# Multiparty Problems: Negotiation, Conflict Resolution & Consensus Building

## Course Objectives

This course focuses on one set of concepts, practices and skills applicable to the transformation of conflicts that involve more than two parties whose interests are asymmetrical. The first part of the course will draw distinctions between two party and multiple party negotiations. Participants will draw on a select number of tools to “map” and describe the nature of conflict and identify the skills and concepts which distinguish multiparty conflict settings. The second part of the course focuses on applying those skills in a variety of case study simulations.

Participants will gain skills in coalition analysis and management, creating and claiming value and shaping multiparty processes for developing consensus. Participants will apply theories and models to real life (case study) simulations at the interpersonal, community, and international levels. The primary objective of this course is to advance the skill set of experienced two-party negotiators and mediators into the arena of multi-party conflicts. It is assumed that all participants will have taken a course or had direct experience in either two-party negotiation, mediation or both.

## Required Readings and Books

1. Fisher and Ury, ***Getting to Yes***, Penguin Books 2000
2. Lax, David A. & J. K. Sebenius, *The Manager as Negotiator* New York: The Free Press 1986 (Chapters 2-8)
3. B. Gray, Collaboration: Finding Common Ground for Multi-party Problems
4. Course Reader (distributed on-line the first day of class)

**Course Preparation:** All students should have recently read *Getting to Yes* in its entirety before the first day of class. There will be little time to review this material during class. The concepts of Lax and Sebenius and Gray are also integral to the work of multiparty conflict resolution and consensus building. **Even participants who are only taking this course for training should strongly consider purchasing and reading all the materials.**

## Recommended

- 1) Lewicki, R.J., B. Barry & D.M. Saunders, ***Negotiation: Readings, Exercises and Cases (5<sup>th</sup> ed)***: McGraw-Hill Irwin Books 2007
- 2) Susskind, Lawrence, ***Consensus Building Handbook (2005)***

# Assignments for those taking the course for academic credit:

## 1. Participation in class simulations (30 points)

- Students are expected to actively participate in all in-class simulations and exercises. This will require overnight preparation and /or out of class negotiation.
- Students will be evaluated by the ways both obvious and subtle that they attempt in their various roles to utilize the skills and learning emphasized in both the lectures and readings.
- All participants benefit when everyone in the class is fully engaged, seeking to upgrade the level of their negotiation / conflict resolution skills. **Therefore, everyone in the class—students taking the course for credit and participants taking the course for training—will be expected to take risks and try to adopt new skills and approaches. Risk and effort will be valued more highly than previously held expertise.**

## 2. (30 points total) Essay – Key differences between multiparty and two-party negotiations

- 10 pages, double-spaced
- In this essay develop and defend your perspective on the differences (if any) between two-party and multiparty negotiations. Reflect on the readings and reference the readings, but do not simply summarize the readings.

## 3. Negotiation Analysis Project: 40 points

- ❖ Write a 12 - 15 page (double-spaced) papers analyzing The Harbor Co Simulation and any *one* of the other in-class negotiations. The paper should reflect on the problem from the perspective of whichever party you played in each negotiation (if you were an observer then your paper will be written from the perspective of “an outsider” and/or from the perspective of a fictitious mediator. Using the concepts presented in lectures, readings and handouts the paper should at a minimum:
  - ❖ Identify the several dimensions of the conflict.
  - ❖ Describe your Harbor-CO negotiation **preparation process and pre negotiation strategy** (***this section should be written (at the very least drafted) before the negotiation begins***);
  - ❖ Identify different negotiation tactics (yours and other participants); notice whether they were *distributive* (claiming) or *integrative* (creating) tactics; as to each tactic, offer an opinion as to whether the tactic was helpful in moving towards resolution: if so, why; if not why not? (***This will occur during the actual negotiations so you must be attentive to your behavior and the behavior of each of the other negotiators***)

### At the conclusion of the negotiation:

- Identify any biases or cultural differences operating in the negotiating space
- Describe what you learned from any earlier negotiation that you believe improved (or at least informed and changed) your performance in Harbor Co;
- Reflect on what you might do more of, less of or differently given a similar situation.
- Offer any additional reflection you care to offer on the negotiations

## Daily Schedule

Class Day	Topics	Readings, In-Class Handouts, and Assignments
<b>Tuesday AM</b>  <b>Day 1</b>	<u>Opening ceremony</u>  Introductions  <u>Basic Concepts and Definitions</u> <ul style="list-style-type: none"> <li>▪ Syllabus</li> <li>▪ Basic course in negotiations</li> <li>▪ Essential concepts</li> </ul>	Readings in Text: Getting to Yes (entire book) Lax and Sebenius Chapter 2 & 3  “Definitions” handout:
<b>Tuesday PM</b>	<ul style="list-style-type: none"> <li>▪ Essential concepts (continued)</li> <li>▪ Interests, needs, rights</li> <li>▪ creating and claiming value</li> <li>▪ negotiation cycle</li> <li>▪</li> </ul>	For overnight reading: Lax and Sebenius Chapter 4,-6 Negotiation exercises
<b>Wednesday AM</b>  <b>Day 2</b>	Cooperation and Competition Creating and Claiming value in a multiparty context  <hr/> <u><b>What makes multiparty different?</b></u> Coalitions, alliances and world viewing	Carpenter & Kennedy, Chapter 1 & 3  Recommended: Lewicki: 1.8 – 1.11
<b>Wednesday PM</b>	<u><b>What makes multiparty different?</b></u> <ul style="list-style-type: none"> <li>▪ Coalitions</li> <li>▪ Group process</li> <li>▪ Dynamic Structures</li> <li>▪ Representative vs. direct negotiations</li> </ul>	Handouts (In reader) : Sections 5 - 10  Schirch , “Dimensions of Conflict” Lederach: “Evolution of Conflict” Rowe: “Notes on Dealing with an Aggressive Competitive Negotiator”  Case for overnight preparation: “ <b>NGO embezzlement</b> ”
<b>Thursday AM</b>  <b>Day 3</b>	<ul style="list-style-type: none"> <li>▪ Coalition/negotiation exercise and debrief</li> <li>▪ Fisher, Ury Susskind, Lax and Sebenius Bringing it together</li> </ul>	Carpenter and Kennedy chapters 4 & 6 (Section 11)

Thursday PM	<ul style="list-style-type: none"> <li>Consensus building techniques</li> </ul>	Handout for overnight reading <b>Crimea Prison Crowding</b>
Friday AM  Day 4	<ul style="list-style-type: none"> <li>Consensus building techniques</li> <li>Crimea Prison Simulation</li> </ul>	Reader:  Successful Negotiation Framing
Friday PM	<ul style="list-style-type: none"> <li>Frontier Luncheon</li> </ul> Meet w/ for credit students	<b>For overnight: KAOTIAN Crisis</b>
Monday AM  Day 5	Kaotian Crisis negotiation	
Monday PM	<ul style="list-style-type: none"> <li>Kaotian Crisis negotiation and debrief</li> <li>Concepts review</li> </ul>	<u>Overnight handout in preparation for weekend and Monday negotiations</u> <b>HARBOR CO</b>
Tuesday AM  Day 6	<ul style="list-style-type: none"> <li>HARBOR CO</li> </ul>	
Tuesday PM	<ul style="list-style-type: none"> <li>Harbor CO</li> </ul>	
Wednesday AM  Day 7	<ul style="list-style-type: none"> <li>Negotiation What if... and How do you ... debriefing</li> </ul>	
Wednesday PM	Summary Wrap up and Evaluation	Class evaluations

We will be asking some foundational questions like:

1. To what extent are there "universal" principles of negotiation behavior and to what extent do such principles or propositions vary with the number of negotiators (bi-lateral vs. multi-lateral negotiations) and the context or subject matter of the negotiation (legal, community, international, diplomatic, commercial) as well as the relationships of the parties (one-off, repeat player, temporary ally)? In short, is a "theory" of negotiation separate from a "theory" of n+ parties in negotiation and dispute resolution? What variables or conditions affect the conduct of negotiations and dispute resolution?
2. To what extent are there useful propositions about "process" management in all contexts? In varied contexts? Political philosopher Stuart Hampshire has recently opined, in the book assigned for this course, *Justice is Conflict*, "[b]ecause there will always be conflicts between conceptions of the good, moral conflicts, both in the soul and in the city, there is everywhere a well-recognized need for procedures of conflict resolution, which can replace brute force and tyranny....The skillful management of conflicts, [is] among the highest of human skills." But, does the particular form of conflict resolution or dispute management have to be tailored to the substance of the dispute or the particular parties engaged in the dispute or conflict?
3. How do we know when a particular process or outcome is fair or just? What is the appropriate amount of direct party participation for legitimacy of outcome? When does a consensus builder lose neutrality or legitimacy? What standards should be applied to the work of third party neutrals and other intervenors in human conflicts? When should deliberations be transparent and public and can secret or confidential proceedings ever be justified? What is the role of law and rules in assessing the justice or accountability of conflict processes and outcomes? How do "rights" and "democracy" interact?
4. To what extent are our notions of conflict resolution and management culturally based? Are they ethnocentric or "universal"? How can competing value and belief systems operate within a conflict process? Can all values be "reduced" to "interests" or can process transcend ideology?
5. At the skill level, you should learn to analyze conflict situations and group dynamics, engage in negotiation, facilitation, interventions, mediation, meeting management and collaborative decision making and problem solving. These skills will, in turn, depend on some constituent skills like brainstorming, interest balancing, creativity, interviewing, questioning, persuasion, decision making and general interpersonal competence. Some of you will have natural abilities in these areas, others of you will need to learn these skills in order to develop your craft and improve your judgment. Theory and experience (through role plays and simulations in this course) should work together to help you develop these competencies.

We will work in several different areas in the course simulations, community, environmental, mass/class action litigation and international to give you some experience with different kinds of multi-party disputes, drawing from both "private" and "public" law issues.