Negotiation Deadlocks: The Importance of Mediation

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Course Description

International conflicts have become quite a common feature of international relations. When they arise, numerous methods may be used to get out of a conflict or to resolve it. The course will pay particular attention to negotiation. Negotiation is one of the most common responses to any conflict. Negotiation is a complex process used to settle dispute over competing interests, resources or positions. The scale of negotiations varies greatly from frequent daily negotiations between individuals through to complex negotiations between states. Similarly, negotiation outcomes may have different consequences. The outcomes of negotiations at the interpersonal level will usually affect those directly involved in the process. At the international level, negotiations may, when successful, lead to a cessation of violence and new ways of interactions, or, when it fails, be responsible for an even larger scale of violence affecting many in all sides of the conflict. The focus of the class is one aspect of negotiation, namely, why do some negotiation efforts drag on and on, and finally fail? We want to understand in this class what condition in international relations produce such deadlocks and how best to break a deadlock or escape from a stalemate. While we will give many examples from various civil and international conflicts, our main focus will be on two regional conflicts – Cyprus and the Arab-Israeli conflict.

Readings

The course readings are based on academic journal articles and book chapters. Most of the book chapters are from the following books:

Keep up with the assigned readings. I hope you find them varied and interesting. In such a course it is almost impossible to assign readings that ALL students will find interesting, but I hope that the diverse articles and large range of topics will cover at least some of each student’s interests. The lectures will build partly on the readings, but not only on them, and I will add lots of information from additional sources. Therefore for those who hope that one day at the end of the summer session will be enough to make up for the whole semester – you may be unpleasantly surprised.

**Evaluation**

Your grade will be based on the following:

1. Attendance and participation – 20%
2. Article review and critique – 30%
3. Paper – 50%

The class will combine lectures with ample opportunity for discussion of various theoretical approaches, policy issues, and trends in mediation processes. Informed discussion based on the readings and thoughtful consideration of the issues is encouraged; there are no right or wrong answers on these topics (nor do I claim to have such knowledge of the future), but there are informed and uninformed answers. You are encouraged to think about questions, puzzles, and issues that you find interesting while reading the weekly selections and prior to class.

The participation grade is good mainly for “brownie points.” If you end up anywhere near the borderline on grades and your involvement in discussions has convinced me you know more than was reflected in your written work, I will adjust the grade accordingly. Informed discussion cannot hurt your grade. Remember – we are talking about BORDERLINE cases. This does not substitute for satisfactory/good written work.

**Warnings**

1. A student CANNOT receive a passing grade for the course if she/he has not completed all assignments.

2. I think I am a reasonable person, and will work with you if you have a learning disability, family emergency, or illness. In general, I expect at least a week advance notification that you will miss an exam. I will arrange for you to make up the work in a timely manner. If you are physically unable to contact me in advance (e.g., if you wake
up extremely ill), you must contact me (via e-mail or phone) as soon as possible and then bring some form of verification from a physician. Failure to take an exam without appropriately notifying me will result in zero credit for that exam.

3. Violations of policies on academic misconduct, including but not limited to giving or receiving unauthorized assistance on exams or assignments and plagiarism, will be treated VERY seriously. Assignments involving academic misconduct will receive a zero, and further sanctions will be imposed. Never underestimate your professor’s intelligence, creativity, and resourcefulness!!!!!!-[查验]}}

Course Schedule

This is a detailed, though tentative, schedule. We’ll see how we make progress and adjust the readings accordingly. However, I’ll make every effort to follow the schedule. Moreover, though the emphasis in the course is, as mentioned earlier, on the conflicts in Cyprus and the Arab-Israel conflict, we will give brief examples from Nicaragua (1988-90), El Salvador (1989-91), Guatemala (1990-92 and subsequent years), Haiti (1990-93), Nagorno-Karabakh (1992), East Timor (1975-82 and 1992-99), Cambodia (1992-99), The Papua New Guinea island of Bougainville (1995-98), Burma/Myanmar (1993-), Afghanistan (1999-2008), Bangladesh (2008-09), Bosnia, Kosovo, Georgia, Kashmir, Western Sahara, Sudan and Burundi.

Week 1 – what’s the class about, requirements, the readings, background, framework…

Mediation as a term indicating not only mediation in its strict international legal sense but as third party non-judicial involvement in the peaceful resolution of disputes of an, international or internal nature. Defining and differentiating between international and internal conflicts.

Week 2 – Mapping the field – Part I

Readings -- Z&R, Introduction, chapters 1-2 and 9-10 (pp. 3-77 and 319-361)


Questions to think about: What do we mean by mediation? Is it practice art or science? Can mediation be studied systematically? What are the differences between structuralist and social-psychological approaches to mediation? Can these be integrated? How has the field of conflict resolution changed over time?
**Week 3 – Mapping the field – Part II**

B+J – pp. 19-31, 47-60

How is mediation different from other forms of non-militarized peace building and conflict resolution? What advantages and disadvantages does each bring? Under what circumstances would you anticipate each of these approaches would be likely to succeed? How does third-party bias or impartiality influence the conduct of each type of third-party intervention discussed?

**Week 4 – Conditions for mediation success**

B+J – pp. 32-46

William Quandt, 1986, “Camp David and Peacemaking in the Middle East”, *Political Science Quarterly* 101(3): 357-77


The Cyprus book….

The Kurtzer + Lasensky book…

*Cases:* Camp David accords, Cyprus

*Questions to think about:* What constitutes mediation success? Was Camp David a success? What about Haig’s mediation activities over the Falkland-Malvinas islands? What accounts for the lack of successful mediation in Cyprus? What unanswered questions about mediation do these examples raise for you?

**Week 5 – Mediated national integration after protracted civil conflict**

*Questions to think about:* Who were the main conflicting parties? When did the conflict begin? What major issues were at stake? When did the mediation occur? Who were the principle mediators? What form(s) did the mediation activity take? Were there any key turning points in the mediation process? Was the mediation “successful”? By what
criteria? How do various authors explain the success or failure of the mediation activities? What role, if any, did international law play? What role, if any, did mediation play in the implementation of the mediated agreement? What hypotheses about mediation does this case suggest? Are there any general lessons or insights you can gain from this case?

Readings – Chapter 7 Bercovitch ms

**Week 6 – Choosing the Mediator**

Mediation by the UN, other international and regional organizations, a State or group of States or an NGO. Their respective advantages and disadvantages. The central role of the UN in the resolution of conflicts and its relevance today. Should the UN have the right of first refusal or be the last resort? Mediation by four or more hands. The relationship between the UN Secretary-General’s good offices and the inter-governmental organs of the UN. Human rights, early warning and conflict resolution.


**Week 7 – Qualities of the Mediator**

Qualities of the mediator. Speaking frankly to the parties. Developing an understanding of the culture and mentality of the parties. Avoiding or dampening diplomatic tendency towards excessive optimism. Avoiding equidistance where it does not exist. Redressing the imbalance between the parties. The role of NGOs and civil society. Distinguishing impartiality or objectivity from neutrality. Should the mediator pursue objectives of his/her own? Distinguishing mediation from fact-finding.


**Week 8 – When to Mediate?**

Waiting for the parties to ask for mediation or actively seeking their consent. Preventive Diplomacy and its application. The ripeness factor. Windows of opportunity.
Modalities in mediating internal conflicts. Resolving conflicts revolving around demands for self determination or self-governance. Negotiating with armed groups.

Readings – B+J – pp. 87-100


**Week 9 + Week 10 – Deadlocks in International Negotiation**


**Week 11 – Solving root causes vs Incremental approach**

Constructing an agenda for the talks. Implementing partial agreements or adopting the freezer approach. Confidence-Building Measures (CBMs). Truces, cease-fires, and termination of hostilities. Seeking to resolve the root causes of a conflict. Is no solution preferable to a bad one? Avoiding pressure for a “Quick Fix” and the tendency to appease the strong and lean on the weak. Ethics and morality v. “real politik”. Maintaining international and national interest in the mediation process. The role of public opinion and the media.

**Week 12 – Direct vs Indirect Talks + Negotiations with Terrorists**

Direct v. indirect talks as mediation techniques. Ensuring the involvement of key decision-makers. Presenting proposals during the mediation process. Informal meetings with the parties. Gaining the trust and/or respect of the parties. Avoiding developing partisanship towards the party ideologically or culturally closer to the mediator. Carrots and sticks. Lack of leverage with one or both of the parties. Developing incentives and disincentives. Coordination with Development and Humanitarian agencies.

Reading chapters from Zartman + Faure (eds), 2011, *Engaging Extremists: Trade Offs, Timing, and Diplomacy* USIP Press
**Week 13 – Post Conflict Governance**

Planning for verification and ensuring the implementation of a peace agreement. Peacekeeping forces, peace-building mechanisms, rebuilding rule of law institutions, human rights field missions, elections. Reacting to violations of the peace agreement. Maintaining international attention on the implementation of the peace agreement. Justice and Peace Agreements. Balancing stability, justice and human rights. The role of International Criminal Court, ad hoc tribunals and national courts, truth and reconciliation commissions.


**Final Paper**