Engaging in Mediation Policy and Practice

IIPS 50805, MGA 60138
Spring Semester 2023
Monday 12:30-3:15

Instructor: Laurie Nathan (lnathan@nd.edu)
Venue: DeBartolo Hall | Room 240
Meeting times with Instructor: by appointment

1. Context

International mediation is a process whereby a third party assists parties in conflict, with their consent, to reach agreements they find acceptable and are willing to implement. It has been widely practiced for many decades, particularly since the end of the Cold War. There are few major intra- or inter-state conflicts in the contemporary era that have not been subject to mediation by the United Nations (UN) or a regional organization, and often also by states and non-governmental groups.

The stakes of mediation are very high in deadly conflicts: success or failure determines whether the country remains locked in strife or is able to embark on a path of reconciliation and reconstruction. In the case of Rwanda, for example, the peace agreement mediated by Tanzania in 1992-3 broke down and was overwhelmed by the genocide. In Kenya, by contrast, the 2008 mediation led by Kofi Annan on behalf of the African Union (AU) prevented a descent into protracted violence. In Syria, mediation has failed to stem the killing of thousands of civilians and the destruction of large parts of the country.

Where mediation in civil wars is successful, the peace agreement has a major bearing on justice, security, governance and the risk of violence in the post-war society. Mediation and negotiations are thus the bridge, sometimes tenuous and sometimes robust, between war termination and long-term peacebuilding, statebuilding and conflict transformation.

2. Literature

There is a rich academic literature on international mediation. It includes single volumes, edited volumes and journals such as the *Journal of Peace Research*, the *Journal of Conflict Resolution* and *Negotiation Journal*. It encompasses reviews of the scholarly debates (e.g. Kleiboer 1996; Wallensteen & Svensson 2014); comparative studies on specific themes; theories on particular problems, like the ripeness of a conflict for resolution through negotiations (e.g. Zartman 2001); case studies of particular mediation initiatives; and quantitative studies seeking to ascertain the relationship between specified variables and the outcome of mediation. In addition to the academic literature, there is a large policy literature that seeks to identify lessons from prior mediation experiences (e.g. UN Secretary-General 2012; Brahimi & Ahmed 2008).

References for the Course readings are attached as Appendix 1.

3. Course Focus, Orientation and Learning Outcomes

A distinguishing feature of the Course is its combination of scholarly, policy and practitioner perspectives on international mediation. We will review the literature on international mediation; explore relevant theories and examine their utility; and share practitioner

experiences of mediation led by the UN and regional organizations. We will also learn and practice the skills of conflict analysis, strategic planning for peacemaking, and mediating agreements between conflict parties.

Upon successful completion of the Course, you will be able to:
- Describe and analyze critically key issues in the literature on international mediation.
- Identify the factors that determine the success and failure of international mediation.
- Explain the complexity of international mediation.
- Analyze cases of international mediation in high intensity conflicts.
- Apply the practical skills of conflict analysis; strategizing and process design for peacemaking; and mediation tactics and techniques.

In addition to the focus on international mediation, you will strengthen the following general skills:
- Reading, synthesizing and reviewing academic and policy literature in a critical way.
- Writing clearly and logically.
- Developing policy proposals.
- Making clear oral presentations.

Class activities are designed to help you achieve these learning outcomes and prepare you for the assignments described below.

4. Assignments

There will be three types of assignment:

- Class participation (30%). This will be based on your presentation of course readings and consistent participation in the seminars. You must become familiar with the designated readings for each seminar *prior to that seminar*. The instructor will ask you for your views on these readings during the class. Class attendance is compulsory. Marks will be deducted for more than two unexcused absences (as defined in University policy).

- Insights from practice papers (30%). You will write an 'insights from practice' paper (7-9 pages max) after each of the four simulation exercises on February 6, March 6, March 27, and April 17. These papers will be due at 8:00pm on February 13, March 10, April 3 and April 24. They will present what you learnt from the exercise, highlighting your most interesting insights (see Assignment 2).

- Mediation plan (40%). You will develop a 10-12 page mediation plan for a domestic, national or international conflict of your choice. On March 6 we will discuss the requirements for this plan. On April 3 you will present a draft version of your plan in class. The teachers and students will provide feedback. The final plan is due on May 3. It should have an appendix indicating how you addressed the feedback.

Assignments must be submitted directly to the Course Instructor. The Instructor will provide written feedback on each assignment, as well as general feedback in class. A rubric for marking the assignments is attached as Appendix 2. Model assignments from previous courses have been added to Canvas.

In all the assignments, the quality of your writing is very important. Poor writing inhibits understanding of your ideas. You are therefore encouraged to give your draft papers and essays to another student for feedback and proofreading before submitting them to the Instructor.

5. Academic Code of Honor

You must comply with the Academic Code of Honor (http://www.nd.edu/~hnrcode/docs/handbook.htm). Note that "as a general rule, tests and other assessments should reflect a student's own effort unless otherwise approved by course instructors".

6. Class Schedule

January 23	**Introduction to Course**
Session 1:	Introduction to Course; aims and expectations; style; skills development and simulations; assignments; rubric
Session 2:	Introduction to international mediation; definition and basic concepts; utility of mediation; typology of peacemaking and peacebuilding; mediation cycle
Session 3:	Variables leading to mediation success and failure
Essential readings:	Kleiboer (1996); UN (2019), Briefing Note on Definitions and Categories of UN Peace Interventions; Nathan (2014)
Additional readings:	Greig & Diehl (2012), chs. 1 & 2; Zartman & Touval (2007); Wallensteen and Svensson (2014)

January 30	**Theoretical Frameworks for Peacemaking**
Session 1:	Zartman's theory of conflict ripeness
Session 2:	Galtung's theory of structural violence
Session 3:	Preparation for simulation phase 1; 'positions, interests & needs'
Essential readings:	Zartman (2001); Galtung (1969); UN (2019), Briefing Note on Positions, Interests and Needs

February 6	**Simulation Exercise: Conflict Analysis for Peacemaking**
Session 1:	Simulation exercise
Session 2:	Simulation exercise contd.
Session 3:	Wrap up
Essential readings:	Phase 1, simulation case study; UN (2019), Briefing Note on Conflict Analysis and Ripeness for Mediation

February 13	**Emotions: Theory and Practice**
Session 1:	Emotions and conflict
Session 2:	Emotions and empathy in mediation
Session 3:	Case discussion
Essential readings:	Nathan and Devonshire (2022); Lindner (2014); Klimecki (2019)
Additional readings:	Forgas and Tan (2011); Friend and Malhotra (2019)

February 20	**Preventive Diplomacy**
Session 1:	Preventive diplomacy: theory
Session 2:	Preventive diplomacy: cases (Nigeria and Lebanon)
Session 3:	Preparation for simulation phase 2

Essential readings:	Ackerman (2003); Nathan, Day, Honwana & Brubaker (2018), policy conclusions and Nigeria and Lebanon cases
Additional readings:	Lund (2009)

February 27 **Strategic and Ethical Dilemmas**
Session 1: Pros and cons of mediation leverage
Session 2: Peace vs. justice; positive peace vs. negative peace
Session 3: Wrap up
Essential readings: Beardsley (2013); Nathan (2020); Hayner (2018), chs. 1&2
Additional readings: Zartman & Touval (2007)

March 6 **Simulation Exercise: Strategic Planning and Process Design for Peacemaking**
Session 1: Simulation exercise
Session 2: Simulation exercise contd.
Session 3: Preparation for mediation plan assignment
Essential readings: Phase 2, simulation case study; UN (2019), Briefing Note on Developing a UN Mediation Strategy; UN (2019), Briefing Note on Mediation Process Design

March 13 **No class – Mid-term break**

March 20 **Stakeholders, Strategies and Tactics**
Session 1: Parties, stakeholders and modes of participation in mediated negotiations
Session 2: Strategy and tactics: Darfur case
Session 3: Preparation for simulation phase 3
Essential readings: Paffenholz (2014); Nathan (2006)
Additional readings: Akol (2014); Pring (2017)

March 27 **Simulation Exercise: Micro-skills**
Session 1: Simulation exercise
Session 2: Simulation exercise contd.
Session 3: Wrap up
Essential readings: Phase 3, simulation case study; UN (2019), Briefing Note on Communication Skills; UN (2019), Briefing Note on Mediation Tactics

April 3 **Student Mediation Plan Presentations**
Session 1: Students present their mediation plans and get instructor and peer feedback
Session 2: Students presentations contd.
Session 3: Preparation for empathy simulation.

April 10 **No class - Easter**

April 17 **Simulation Exercise: Empathy in mediation**
Session 1: Simulation exercise
Session 2: Simulation exercise contd.
Session 3: Wrap up

Essential readings: Moore (2014), selected sections; New York Centre for Non Violent Communication (2015)
Additional readings: Lang (2019), ch. 1; Holmes and Yarhi-Milo (2017)

April 24   **Gender and Culture Challenges**
Session 1:   Gender challenges
Session 2:   Culture challenges
Session 3:   Wrap up.
Essential readings: Bell (2013); Confortini (2006); Menkhaus (1996); Salem (1993)

May 1   **Practitioner Perspectives**
Session 1:   Practitioner case analysis – TBD
Session 2:   Practitioner case analysis – TBD
Session 3:   Wrap up
Essential readings: TBD
Additional readings: Brahimi & Ahmed (2008); UN Secretary-General (2012)

Required Readings

Ackermann, A. 2003. "The Idea and Practice of Conflict Prevention," *Journal of Peace Research* 40(3): 339-347.

Afghanistan Government. 2019. "Steps towards Stability in Afghanistan", unpublished memo.

Akol, Z. 2014. "Inclusivity: A Challenge to the IGAD-Led South Sudanese Peace Process," *Policy Brief*, The Sudd Institute, 7 December.

Beardsley, K. 2013. "Using the Right Tool for the Job: Mediator Leverage and Conflict Resolution," *Penn State Journal of Law and International Affairs* 2(1): 57-65.

Bell, C. 2013. "Women and Peace Processes, Negotiations, and Agreements: Operational Opportunities and Challenges," *NOREF Policy Brief*.

Brahimi, L. and S. Ahmed. 2008. *In Pursuit of Sustainable Peace: The Seven Deadly Sins of Mediation*, Center on International Cooperation, New York University.

Confortini, C. 2006. "Galtung, Violence, and Gender: The Case for a Peace Studies/Feminism Alliance," *Peace & Change* 31(3): 333-367.

Forgas, J. and H. Tan 2011. "Affective Influences on the Perception, Management, and Resolution of Social Conflicts". In J. Forgas, A. Kruglanski and K. Williams (eds.), *The Psychology of Social Conflict and Aggression*. New York: Taylor & Francis, pp. 119-138.

Friend, W. and D. Malhotra. 2019. "Psychological Barriers to Resolving Intergroup Conflict: An Extensive Review and Consolidation of the Literature," *Negotiation Journal* 35(4): 407–442.

Galtung, J. 1969. "Violence, Peace, and Peace Research," *Journal of Peace Research* 6(3): 167-191.

Greig, M. and P. Diehl. 2012. *International Mediation*. Cambridge, UK: Polity.

Hayner, P. 2018. *The Peacemaker's Paradox: Pursuing Justice in the Shadow of Conflict*. New York: Routledge.

Holmes, M. and K. Yarhi-Milo. 2017. "The Psychological Logic of Peace Summits: How Empathy Shapes Outcomes of Diplomatic Negotiations," *International Studies Quarterly* 61(1): 107-122.

International Crisis Group. 2020. "Taking Stock of the Taliban's Perspectives on Peace", *Asia Report* 311.

Kleiboer, M. 1996. "Understanding Success and Failure of International Mediation," *Journal of Conflict Resolution* 40(2): 360-389.

Klimecki, O. 2019. "The Role of Empathy and Compassion in Conflict Resolution," *Emotion Review* 11(4): 310-325.

Lang, M. 2019. *The Guide to Reflective Practice in Conflict Resolution*. Lanham, Maryland: Rowman & Littlefield.

Lindner, E. 2014. "Emotion and Conflict: Why It Is Important to Understand How Emotions Affect Conflict and How Conflict Affects Emotions." In P. Coleman, M. Deutsch and E. Marcus (eds.), *The Handbook of Conflict Resolution: Theory and Practice* (3rd ed.). San Francisco: Jossey-Bass, pp. 268–293.

Lund, M. 2009. "Conflict Prevention: Theory in Pursuit of Policy and Practice." In J. Bercovitch, V. Kremenyuk, and I. W. Zartman (eds.), *The SAGE Handbook of Conflict Resolution*. London: Sage, pp. 287-308.

Menkhaus, K. 1996. "International Peacebuilding and the Dynamics of Local and National Reconciliation in Somalia," *International Peacekeeping* 3(1): 42-67.

Moore, C. 2014. *The Mediation Process: Practical Strategies for Resolving Conflict*. San Francisco: John Wiley & Sons.

Nathan, L. 2006. "No Ownership, No Peace: The Darfur Peace Agreement," *Working Paper* 2(5), Crisis States Research Centre, London School of Economics.

Nathan, L. 2014. "What Is the Essence of International Mediation in Civil Wars? The Challenge of Managing Complexity", BPC Papers 2(2), BRICS Policy Center, Rio de Janeiro.

Nathan, L. 2020. "The International Peacemaking Dilemma: Ousting or Including the Villains?" *Swiss Political Science Review* 26(4): 468-486.

Nathan, L., A. Day, J. Honwana and R. Brubaker. 2018. *Capturing UN Preventive Diplomacy Success: How and Why Does It Work?*, Centre for Policy Research, UN University.

Nathan, L. and J. Devonshire. 2022. "Don't We Have a Right to Get Angry? Integrating Emotions into the Rational Choice Theory of International Mediation", unpublished paper.

New York Centre for Non Violent Communication. 2015. "Needs and Feelings Inventory".

Paffenholz, T. 2014. "Broadening Participation in Peace Processes: Dilemmas and Options for Mediators", *Mediation Practice Series*, Center for Humanitarian Dialogue.

Pring, J. 2017. "Including or Excluding Civil Society? The Role of the Mediation Mandate in South Sudan (2013-15) and Zimbabwe (2008-9)," *African Security* 10(3&4): 223-238.

Salem, P. 1993. "A Critique of Western Conflict Resolution from a Non-Western Perspective," *Negotiation Journal* 9(4): 361-369.

UN High Level Mediation Course manual, 2019.

UN Secretary-General. 2012. *Guidance for Effective Mediation*. New York: United Nations.

Wallensteen, P. and I. Svensson. 2014. "Talking Peace: International Mediation in Armed Conflicts," *Journal of Peace Research* 51(2): 315-327.

Zartman, I.W. 2001. "The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments," *The Global Review of Ethnopolitics* 1(1): 8-18.

Zartman, I. and S. Touval. 2007. "International Mediation." In C. Crocker, F. Hampson and P. Aall (eds), *Leashing the Dogs of War: Conflict Management in a Divided World*. Washington DC: US Institute for Peace, pp. 437-454.

ASSIGNMENT RUBRICS

1. Class participation

- Active and supportive participation in class
- Knowledge of the Course readings
- Critical engagement with the readings

2. Insights from practice (i.e. simulation exercises)

Quality of writing (20%)
- Clear communication
- Sound grammar
- Clear and accurate presentation of facts
- Accurate references and referencing style

Structure of paper (20%)
- Clear introduction that sets out the focus, aim, structure and conclusion of the paper
- Clear conclusion, summarizing main findings and/or conclusions
- Logical flow
- Appropriate division of paper into different sections

Insights (60%)
- Insights regarding your own skills, strengths and challenges
- Insights regarding the skills, strengths and challenges for the class as a whole
- Relevance of 2-3 Course readings to the simulation exercise

3. Mediation Plan

Quality of writing (20%)
- Clear communication
- Sound grammar
- Clear and accurate presentation of facts
- Accurate references and referencing style

Structure of paper (20%)
- Clear introduction that sets out the focus, aim, structure and conclusion of the paper
- Clear conclusion, summarizing main findings and/or conclusions
- Logical flow
- Appropriate division of paper into different sections

Plan (60%)
- Clear and concise outline and analysis of the conflict
- Clear and concise discussion of any actual mediation in this conflict
- Coherent mediation plan based on the UN strategic planning notes (which should constitute 50% - 60% of the length of the paper)

Grade breakdown (as per ND general grade breakdown)

Letter Grade	Minimum %	Description
A	95%	Truly exceptional
A-	90%	Outstanding
B+	87%	Very good
B	83%	Good
B-	80%	More than acceptable
C+	77%	Acceptable: meets all basic standards
C	73%	Acceptable: meets most basic standards work
C-	70%	Acceptable: meets some basic standards
D	65%	Minimally passing: work just over the threshold of acceptability.
F	0	Failure: unacceptable performance.