

## **Conflict Resolution: Theory and Practice of Mediation**

**IIPS 60608, IIPS 40801 & MGA 60111**

**Room B044 Jenkins Nanovic Hall**

**Spring Semester 2020**

**Monday 9:30-12:15**

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### **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, such as co-ordination among different mediators (e.g. Lanz & Gasser 2013); theories on particular problems, like the ripeness of a conflict for resolution through negotiations (e.g. Zartman 2001); case studies of particular mediation initiatives (e.g. Menkhaus 1996); and quantitative studies seeking to ascertain the relationship between specified variables and the outcome of mediation (see Wallensteen & Svensson 2014). 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 validity; and share practitioner experiences of mediation led by the UN, the AU and other 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 debates and theories in the academic and policy 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 academic skills:

- Reading, synthesizing and reviewing academic and policy literature in a critical way.
- Writing clearly and logically.
- Grounding arguments in evidence.
- Making clear oral presentations based on evidence and relevant literature.

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

#### 4. Assignments

There will be four types of assignment:

- Class participation (20%). This will be based on your active participation in the seminars and your familiarity with the Course readings (Appendix 1). 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 (25%). You will write an ‘insights from practice’ paper (5-7 pages max) after each of the three simulation exercises on February 10, March 16 and April 6. These papers will be due at 8:00pm on February 17, March 23 and April 13. They will describe and explain what you learnt from the exercise, highlighting your most interesting insights.
- Critical essays on the literature (25%). You will write 3 critical essays (6-8 pages max), each of which presents a synopsis and assessment of a *scholarly* article that is included in the reading list. You can choose the articles you find most interesting. Your essay must first present a synopsis of the article and then provide a critical assessment of the article’s strengths and weaknesses. The deadlines for these essays will be at 8:00pm on February 10, March 16 and April 20.
- Exam (30%). The exam on May 5 will test your familiarity with the Course readings.

All assignments must be submitted via Sakai. 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 will be added to Sakai

In all the assignments, the quality of your writing is very important. Poor writing inhibits understanding of your ideas and arguments. 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/~hnr/code/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. Seminar Schedule

The weekly seminars will take place from 9:30-12:15 on Mondays. Each seminar will be divided into three sessions: session 1 (55 minutes followed by a 10-minute break); session 2 (55 minutes followed by a 10-minute break); and a wrap-up session of 35 minutes. The wrap-up sessions will be devoted to residual issues and questions, discussion and feedback on the assignments, and feedback on the Course.

There will be some flexibility in the schedule in order to take advantage of visiting scholars and practitioners at the Kroc Institute.

All the readings will be available on Sakai ahead of time.

### **20 Jan: Introduction to the Course (9:30am -11:15am, MLK Day)**

- 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: Wrap up
- Readings: Greig & Diehl (2012), chs. 1 & 2; Zartman & Touval (2007); UN High Level Mediation Course (UNHLMC) (2019), Briefing Note on Definitions and Categories of UN Peace Interventions.

### **27 Jan: Introduction to the Mediation Literature**

- Session 1: Factors accounting for mediation success and failure
- Session 2: Mediation debates and state of knowledge
- Readings: Kleiboer (1996); Wallensteen & Svensson (2014)

### **3 Feb: Theoretical Frameworks for Peacemaking**

- Session 1: Zartman's theory of conflict ripeness
- Session 2: Galtung's theory of structural violence; concept of 'positions, interests & needs'
- Session 3: Wrap up
- Readings: Zartman (2001); Galtung (1969); UNHLMC (2019), Briefing Note on Positions, Interests and Needs

### **10 Feb: Simulation Exercise: Conflict Analysis for Peacemaking**

- Session 1: Simulation exercise
- Session 2: Simulation exercise contd.
- Session 3: Wrap up
- Readings: Phase 1, simulation case study; UNHLMC (2019), Briefing Note on Conflict Analysis and Ripeness for Mediation

### **17 Feb: Preventive Diplomacy**

- Session 1: State of knowledge
- Session 2: Case analysis – Lebanon & Nigeria
- Session 3: Wrap up
- Readings: Lund (2009); Ackerman (2003); Nathan, Day, Honwana & Brubaker (2018), Policy Paper, pp. 4-24 and Lebanon & Nigeria cases; UNHLMC (2019), Briefing Note on Preventive Diplomacy by the UN

### **24 Feb: Mediation Mandates**

- Session 1: Conceptualization and typology
- Session 2: Ripeness and the 'impossible mandate'
- Session 3: Wrap up
- Readings: Nathan (2018); Svensson & Wallensteen (2010), chs. 1&8; Forster (2017)

- 2 March: Mediation Strategy and Style**  
 Session 1: Pros and cons of leverage  
 Session 2: Disaggregating and theorizing leverage  
 Session 3: Wrap up  
 Readings: Beardsley (2013); Wallensteen & Svensson (2014); Zartman & Touval (2007); Reid (2017)
- 9 March: No class (mid-term break)**
- 16 March: Simulation Exercise: Strategic Planning and Process Design for Peacemaking**  
 Session 1: Simulation exercise  
 Session 2: Simulation exercise contd.  
 Session 3: Wrap up  
 Readings: Phase 2, simulation case study; UNHLMC (2019), Briefing Note on Developing a UN Mediation Strategy and Briefing Note on Mediation Process Design
- 23 March: Negotiation and Mediation Actors**  
 Session 1: Parties, stakeholders and modes of participation in mediated negotiations  
 Session 2: Challenges of cooperation and coordination among mediation actors  
 Session 3: Wrap up  
 Readings: Paffenholz (2014); Akol (2014); Pring (2017); Lanz & Gasser (2013); Nathan (2017)
- 30 March: No class (International Studies Association convention)**
- 6 April: Simulation Exercise: Micro-skills**  
 Session 1: Simulation exercise  
 Session 2: Simulation exercise contd.  
 Session 3: Wrap up  
 Readings: Phase 3, simulation case study; UNHLMC, (2019), Briefing Note on Communication Skills and Briefing Note on Mediation Tactics
- TBD : Gender and Cultural Challenges (this class will be rescheduled in consultation with the students because April 13 is Easter Monday)**  
 Session 1: Gender challenges  
 Session 2: Does culture matter?  
 Session 3: Wrap up  
 Readings: Bell (2013); Menkhaus (1996); Salem (1993)
- 20 April: Challenges of Law and Justice**  
 Session 1: The dilemma of peace versus justice  
 Session 2: The post-conflict constitution as a peace agreement  
 Session 3: Wrap up  
 Readings: Hayner (2018), chs. 1&2; Nathan (2019)
- 27 April: Practitioners' Perspectives**  
 Session 1: Practitioner case analysis (TBD)  
 Session 2: Practitioner case analysis – Darfur  
 Session 3: Exam consolidation  
 Readings: Nathan (2006); 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.
- 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.
- Forster, R. 2017. "Toward a Comprehensive Solution? Yemen's Two-Year Peace Process", *The Middle East Journal* 71(3): 479-488.
- 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.
- Kleiboer, M. 1996. "Understanding Success and Failure of International Mediation", *Journal of Conflict Resolution* 40(2): 360-389.
- Lanz, D. and R. Gasser. 2013. "A Crowded Field: Competition and Coordination in International Peace Mediation", *Mediation Arguments 2*, Centre for Mediation in Africa.
- 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.
- 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. 2017. "How to Manage Inter-Organizational Disputes over Mediation in Africa", *Global Governance* 23(2): 151-162.
- Nathan, L. 2018. "The Mandate Effect: A Typology and Conceptualization of Mediation Mandates", *Peace & Change* 43(3): 318-343.
- 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. 2019 (forthcoming). "The Post-Conflict Constitution as a Peace Agreement", in R. Mac Ginty and A. Wanis-St. John (Eds.), *Contemporary Peacemaking: Conflict, Peace Processes and Post-War Reconstruction*, 3<sup>rd</sup> edition, Palgrave Macmillan
- 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.
- Reid, L. 2017. "Finding a Peace That Lasts: Mediator Leverage and the Durable Resolution of Civil Wars". *Journal of Conflict Resolution* 61(7): 1401-1431.
- Salem, P. 1993. "A Critique of Western Conflict Resolution from a Non-Western Perspective", *Negotiation Journal* 9(4): 361-369.
- Svensson, I. and P. Wallensteen. 2010. *The Go-Between: Jan Eliasson and the Styles of Mediation*, Washington DC: US Institute of Peace.
- 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 RUBRIC

### 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
- Description precedes explanation and analysis
- Appropriate division of paper into different sections

#### Insights (60%)

- Insights regarding your own skills, strengths and challenges (e.g. I learnt that I have good analytical skills but lack confidence to express them)
- Insights regarding the skills, strengths and challenges for the class as a whole (e.g. I learnt that groups discussions are difficult without an agenda and a facilitator)
- Relevance of 2-3 Course readings to the simulation exercise

### 3. Critical essays on the literature

#### 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, argument and conclusion of the paper
- Clear conclusion, summarizing findings and/or conclusions
- Logical flow
- Description precedes explanation and analysis
- Appropriate division of paper into different sections
- Consistent focus (i.e. avoid irrelevant issues and minimize secondary issues)

#### Critique of the selected article (60%)

- Clear and accurate synopsis of article (i.e. capture main argument, findings & conclusions)
- Identification of article's main strengths and limitations in terms of clarity, structure, argument, theory, evidence and conclusions
- Assessment of article's usefulness for the practice of international mediation

#### 4. Exam

##### Quality of writing (20%)

- Clear communication
- Sound grammar
- Clear and accurate presentation of facts
- Accurate references and referencing style

##### Structure of answers (10%)

- Clear introduction that sets out the focus, aim, structure and conclusion of each answer
- Logical flow
- Description precedes explanation and analysis

##### Knowledge of the Course readings (70%)

- Direct and comprehensive answer to the exam questions
- Accurate presentation of the readings
- An additional maximum of 5% will be awarded for meaningful references to course readings that are not covered by the exam question

#### **Grade breakdown (as per ND general grade breakdown)**

<u>Letter Grade</u>	<u>Minimum %</u>	<u>Description</u>
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.