
MASTER 2 Affaires Internationales Sud-Méditerranéennes

Titre: *Responsible Negotiation* (en anglais)

Enseignant: Alain LEMPEREUR

Nbre d'heures : 12 (CM) + 6 (TD)

OBJECTIVES OF THE COURSE: *Exploring negotiation responsibility*

The course examines how to integrate a multi-layer responsibility as a permanent drive in negotiation, i.e. to care for the people, to solve problems and to facilitate an empowering process.

Modalités de contrôle :

- *People Care*
 - ☑ Putting people first (proximity, respect for needs, identity, culture, etc.).
 - ☑ Aiming for long-term relationship (and overcoming difficult behaviors).
 - ☑ Mapping all relevant stakeholders (including those who are not at the table, the principals, the implementers, the constituency, the disenfranchised, the neighbors, the broad "system", the next generations, etc.).
- *Problem Solving*
 - ☑ Leveraging ethical values (integrity, justice, coexistence, etc.) and not only economic value or procedural justice in the search for solutions.
 - ☑ Looking for broad acceptability of the solution, which is seen as responding optimally to the problem, broadly beneficial and open to ongoing review.
 - ☑ Achieving positive impact of the solution on many stakeholders and the general environment (peaceful, caring, green, sustainable growth, etc.).
- *Process Facilitation*
 - ☑ Empowering and involving all stakeholders from convening to implementation.
 - ☑ Carrying on a facilitative process to build ownership and smoother implementation of the agreement.
 - ☑ Ensuring broad accountability for any decision (i.e. not only with principals, but beyond the traditional two-level power structure).

Possible Objectives for Participants

- Increasing awareness about negotiation responsibility, in order to achieve fair deals and settlements.
 - Becoming better analysts of negotiation, theirs and others'.
 - Assessing their personal negotiation approaches.
 - Giving themselves general objectives for improvement.
 - Improving relationships, with subordinates, peers, superiors, and all stakeholders.
 - Broadening their negotiation repertoire.
 - Furthering the cause of peaceful resolution and coexistence.
 - Crafting better deals and contracts.
 - Learning how to really learn from experience.
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ABSTRACT

Everyone negotiates on a daily basis, but what about doing it responsibly? Faced with projects, contracts, conflicts or crises, coping with people, problems and process, how can negotiators lever the right reflections and actions in the right direction? How can they optimize utility for themselves and for others? This course provides concepts, observations and suggestions to improve analytical and operational negotiation skills; but it also addresses negotiation foundations on how to do first things first, i.e. how to make the right moves at the right time in order to reach the right decisions and to achieve *ad hoc* implementation.

Negotiators can model the right moves. They can leverage quality relationships, before any other action, putting people first. They can structure an effective process before and during problem solving. They can prepare before meetings and debrief afterwards, managing the mandate and implementing deals with principals and teams. Their communication can further information sharing and common understanding, with active listening and questioning to increase empathy, before active speaking and persuasive arguments to assert their needs. If cooperation prevails, negotiators can also enlarge the pie for more joint value – economic, social, etc. –, before capturing their fair share. Members of this class will embark on a common reflection on how to act as more responsible negotiators.

Format

This module consists of 4 class sessions. Class sessions will feature practical simulations (role plays), that participants will be asked to prepare at home before class, to role-play with their classmates, in pairs or in teams, and then to debrief with the entire group. Members of the class will also be exposed to case studies, exercises and video excerpts that they will be asked to review and analyze. Summary lectures will sum up the concepts and tools at the end of each session.

Book to Read for the Class

- Lempereur, Alain, Aurélien Colson and Michele Pekar (2010). *The First Move. A Negotiator's Companion*. Wiley.

Schedule, Readings and Other Assignments

Class Session 1: Questioning Oneself *Before* Implementing Negotiation Routines

Required Readings and Assignments

- Lempereur, Alain, and Aurélien Colson, with Michele Pekar, ed. (2010). *The First Move. A Negotiator's Companion*, Wiley.
- Alain Lempereur, *Negotiating Responsibly*
<http://www.youtube.com/watch?v=LQQzXQtTmRE>

Agenda

8:00		Welcome
8:30	SIMULATION 1	<i>The International Pricing Exercise</i>
8:45		- Preparation (in break-up rooms)
9:00		- Internal and External Interactions
10:00	BREAK	
10:15	SIMULATION 1	<i>The International Pricing Exercise</i>
		- Debriefing (in plenary)
12:30	SUMMARY	<i>THREE MAJOR PILLARS IN NEGOTIATION</i>
13:00	END	<i>DISTRIBUTION OF THE SALLY SOPRANO SIMULATION</i>

Debriefing Themes

- Internal and external leadership and responsibilities
- Strategic dilemmas, weak and strong signals
- Internal divisions and coalitions
- Time strategy
- Commitment and implementation
- Managing uncertainty
- The tip of the iceberg and beneath
- The forest and the tree (I)

To go further: Suggested Readings and More

- Axelrod, Robert (1984). *The Evolution of Cooperation*. New York, Basic Books, Chapter 4, pp. 73-87.
- Richelieu, Armand Jean du Plessis (1688). *Political Testament*, University of Wisconsin Press, 1961, Part II, Chapter 6, on «The Need for Continuous Negotiations», pp. 94 sq. In French: *Testament politique*, pp. 34-46:
http://books.google.com/books?id=HGYPAAAAQAAJ&printsec=frontcover&dq=testament+politique&hl=en&ei=E_kYTrbBjcz3sgauzIDjDw&sa=X&oi=book_result&ct=result&resnum=4&ved=0CDsQ6AEwAw#v=onepage&q&f=false
- Allred, Keith (2005). "Relationship Dynamics in Disputes: Replacing Contention with Cooperation." In: Michael Moffitt and Robert Bordone (eds), *The Handbook of Dispute Resolution*, San Francisco, Jossey Bass, pp. 83-98.

- Fisher, Roger and Scott Brown (1988). *Getting Together*. Penguin, pp. 197-202.
- Watch the movies “A Beautiful Mind” (2001), “The Fifth Element” (1997), and “Merry Christmas” (2005).

Class Session 2: Preparing Negotiation <i>Before</i> the Meeting

Required Readings and Assignments

- Alain Lempereur, *Negotiating Responsibly, 3 Pillars*, YouTube Video: <http://www.youtube.com/watch?v=-jYJmtPBsfY>
- *The Deal* Simulation. You will role-play the negotiation with a student who prepared the other side.
- Lempereur, Alain. “Responsible Negotiation: Exploring the Forest and the Tree”. *Journal of Global Responsibility*, Oct 2012.
- Lempereur, Alain and Aurélien Colson, with Michele Pekar, ed. (2010) *The First Move. A Negotiator’s Companion*. Chapters 1 and 2.

Agenda

14:00		Introduction
14:10	SIMULATION 2	<i>THE DEAL</i>
14:10		- Preparation (individual)
14:25		- Negotiations
14:45	BREAK	
15:00	SIMULATION 2	<i>THE DEAL</i>
		- Debriefing (in plenary)
16:30	SUMMARY	<i>THREE MAJOR PILLARS IN NEGOTIATION</i>
17:15	LOGISTICS	<i>DISTRIBUTION OF THE NORKET DISTRICT SIMULATION</i>
17:30	PREPARATION	<i>NORKET DISTRICT (individual)</i>
19:00	END	

Debriefing Themes

- The forest and the tree (II)
- From the one-dimensional negotiation to the many layers of complexity and responsibility
 - a) Distribution and Integration
 - b) Positions and Motivations
 - c) Quantity and Quality
 - d) Economics and Labor
 - e) Dyad and Organizations
 - f) Individual and Collective
 - g) Reproduction and Innovation
- The zone of possible agreement(s), reservation value, aspiration value, target
- Anchoring and cognitive biases
- The solutions at the table, and away from the table, justification and anchoring

To go further: Suggested Readings and More

- Fisher, Roger and William Ury (1991) *Getting to Yes. Negotiating Agreement without Giving In*. Bruce Patton (ed.), Penguin.
- Brett, Jeanne, Wendy Adair, Alain Lempereur, Ann Lyttle, Tetsushi Okumura, and Peter Shikhirev (1998) "Culture and Joint Gains in Negotiation," *Negotiation Journal*. January 1998, Vol. 14, No1, pp. 61-86.
- Watch the movies "Ike. Countdown to D-Day" (2004), "Jerry Maguire" (1996), and "Meeting Venus" (1991).

Class Session 3: People Before Any other Action

Required Readings and Assignments

- Alain Lempereur, *Negotiating Responsibly*, Preparation, YouTube Video: <http://www.youtube.com/watch?v=r6On-AZqMh8>
- *Norket District*, General Instructions and Simulation Role,. Prepare the graded **Individual Preparation Brief (IPB)**, using the electronic grid, and bring a copy to class.
- Lempereur, Alain. "Responsible Negotiation: Caring for People, Problems, and Processes." *Human Capital Review*, Nov 2011; available online, Social Science Research Network, <http://ssrn.com/abstract=1949528>.
- Lempereur, Alain and Aurélien Colson, with Michele Pekar, ed. (2010) *The First Move. A Negotiator's Companion*. Chapters 3, 4 and 5.

Agenda

8:00	INTRODUCTION	<i>CONTINUING NEGOTIATIONS</i>
8:10	SIMULATION 2	<i>NORKET DISTRICT</i>
		- Preparation (in break-up rooms)
10:00	BREAK	
10:15	SIMULATION 2	<i>NORKET DISTRICT</i>
		- Negotiation (in break-up rooms) and Press Communiqué
11:00		- Debriefing (in plenary)
12:30	LECTURE	<i>PEOPLE AND EXTERNAL COMMUNICATION</i>
13:00	END	<i>DISTRIBUTION OF THE CRISIS SIMULATION</i>

Debriefing Themes

- The forest and the tree (III)
- *People Care*
 1. At the table: interpersonal relations
 2. Behind the table: vertical relations and the mandate
 3. Beyond the table: relationship map
- *Problem Solving*
 1. Motivations
 2. Solutions at the table
 3. Solutions away from the table
 4. Justifications
- *Process Facilitation*
 1. Organization of the meeting
 2. Communication: questions and answers

To go further: Suggested Readings and More

- Callières, François de (1716). *On the Manner of Negotiating with Princes*. Houghton Mifflin, 2000. In French: *De la Manière de Négocier avec les souverains*. Geneva, Droz, 2002.
- Mnookin, Robert, Scott Peppet, and Andrew Tulumello (1996). "The Tension between Empathy and Assertiveness," *Negotiation Journal*, Vol. 12, n° 3, pp. 217-230.
- Ross, Lee (1995). "Reactive devaluation in negotiation and conflict resolution." In: Kenneth Arrow, Robert Mnookin, R and Alii (eds). *Barriers to Conflict Resolution*. New York, Norton, pp. 26-42.
- Morris, Michael, Janice Nadler, Terri Kurtzberg, and Leigh Thompson (2002), "Schmooze or lose: Social friction and lubrication in e-mail negotiations," *Group Dynamics: Theory, Research, and Practice*, Vol. 6 (1), Mar 2002, pp. 89-100.
- Watch the movies "Agora"(2009), "Destiny"(1998), "Dr. Strangelove" (1964), "Goodbye Bafana" (2007), and "Mandela and de Clerk" (1997).

Class Session 4: Process Facilitation *Before* Problem Solving

Required Readings and Assignments

- Lempereur, Alain, Colson, A and M. Pekar, *The First Move*, YouTube: <http://www.youtube.com/watch?v=9mdFjdysrLg&NR=1&feature=endscreen>
- *The Crisis*, General Instructions and Simulation Role. Start preparing the graded **Individual Preparation Brief (IPB2)**, using the electronic grid; you can finish completin in class. You will role-play the negotiation with other students, with whom you are asked to fill out a **Summary Report (SR3)** in class, after the simulation.
- "First Things First for Negotiators and Organizations." *Human Capital Review*, Oct 2010, Issue 10; available online, Social Science Research Network, <http://ssrn.com/abstract=1949526>
- Lempereur, Alain and Aurélien Colson, with Michele Pekar, ed. (2010) *The First Move. A Negotiator's Companion*. Chapters 6, 7 and 8.

Agenda

14:00	INTRODUCTION	<i>NEGOTIATING IN THE MIDDLE OF A CRISIS</i>
14:15	SIMULATION 4	<i>THE CRISIS</i> <i>- Preparation (in break-up rooms)</i>
15:15	BREAK	
15:30	SIMULATION 4	<i>THE CRISIS</i>
15:45		<i>- Negotiation (in break-up rooms) and Press Communiqué</i>
16:45		<i>- Debriefing (in plenary)</i>
17:30	LECTURE	<i>GOING FORWARD</i>
18:00	END	

Debriefing Themes

- The forest and the tree (IV)
- What is the most urgent when everything is urgent?
- Now and tomorrow: Security and politics
- Identity and the past
- The stakeholders' map
- Conflict of values: worlds of intimacy, family, community, business, techniques
- No price argument
- Asymmetry of information, perceptions, power, and behaviors
- Information flow within an organization and timely resolution
- Respect and acknowledgement of responsibility
- Negotiating upstream or downstream: project mode or crisis mode
- Prevention *versus* Resolution of Conflict
- Empowerment and ownership
- Team versus group, strong or stronger coalition
- Organization
 - Hierarchical and functional
 - Horizontal and personal
- Delegation and spokesperson
- Beyond "no", NIMBY and BANANA
- Profitability and Corporate Social Responsibility

To go further: Suggested Readings and More

- Lempereur, Alain. *Negotiating Responsibly*, 10 Principles
<http://www.youtube.com/watch?v=OhoC2JDW504&NR=1&feature=endscreen>
- Lempereur, Alain (2012). "Becoming a More Responsible Negotiator." *Negotiation*, April 2012, Vol. 15, #4, 8.
- Montaigne, Michel de (1588). *Essays*, translated by Charles Cotton, 1877, A Penn State Electronics Classics Series Publications, 2003, Book 3, p. 6.
<http://www2.hn.psu.edu/faculty/jmanis/montaigne/Montaigne-3.pdf>
- Susskind, Lawrence and Patrick Field (1996), *Dealing with an Angry Public. A Mutual Gains Approach to Resolving Disputes*. New York, The Free Press.
- Larry Susskind and Michele Pekar, *Consensus Building*
http://www.youtube.com/watch?v=iYUsaTTtQ4c&feature=results_main&playnext=1&list=PL2C1E700CF114A61A
- Craver, Charles (2005). "Negotiation Ethics." *The Negotiator Magazine*. December 2005: http://www.negotiatormagazine.com/article301_4.html
- Malhotra, Deepak (2004). "Risky Business: Trust in Negotiations," *Negotiation*. Vol.7, No2, February 2004:
<http://raul.panchobot.com/cetys3/cetys4/cetys5/estratnegintl/riskybusiiness.pdf>
- Richman, Barak (2001). "Mandating Negotiations to Solve the NIMBY Problem: A Creative Regulatory Response." *UCLA Journal of Environmental Law and Policy*. Vol. 20, pp. 223-236.
http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1079&context=faculty_scholarship&sei-redir=1#search=%22Nimby%20negotiation%22
- Wheeler, Michael (1994). "Negotiating NIMBYs: Learning from the Failure of the Massachusetts Siting Law." *Yale Journal on Regulation*, 11, pp. 241-291.
- Watch movies "Erin Brockovich" (2002).