

Teaching Three-Dimensional Negotiation to Graduate Students

*Jayne Seminare Docherty, with Calvin Chrustie**

Editors' Note: In a conscious parallel to the preceding chapter, Docherty describes an initial experiment, developed largely from Chrustie's practical experience, with teaching "wicked problems" to graduate students in peacebuilding at a Mennonite university. The collaboration between a professor of peacemaking on the one hand, and a highly experienced police officer and peacekeeper on the other, is as significant to the development of our field as the flow of information, experiments and ideas back and forth between the peacebuilding professional environment and the Command and General Staff College of the U.S. Army, discussed in chapter 17 in this volume, and further amplified in this chapter.

Introduction

In a previous chapter (*Adapting to the Adaptive*, in this volume) Jayne Docherty and Leonard Lira elaborated on the concept of three-dimensional negotiation, which they argue is more appropriate than inter-

* **Jayne Seminare Docherty** is a professor at the Center for Justice and Peacebuilding at Eastern Mennonite University in Harrisonburg, Virginia. Her first book *Learning Lessons from Waco* was an analysis of the Federal Bureau of Investigation's attempt at hostage negotiation with the Branch Davidian sect, and her subsequent work has frequently involved the intersection and relationships between uniformed forces and civil society, ethnic minorities, and religious groups. Her email address is jayne.docherty@gmail.com. **Calvin Chrustie** is an inspector within the Royal Canadian Mounted Police and has held various negotiation and conflict management positions, including former team leader of the Conflict Negotiation Team, team leader of a Hostage Negotiation Team, and member of a Canadian international response group to overseas kidnaps. He also has extensive practice in a multitude of conflict situations domestically and abroad, including with the United Nations and other agencies in the Middle East, the Balkans, and Africa. His email address is calchrustie@hotmail.com.

est-based negotiation when addressing complex protracted conflicts. The assumptions behind three-dimensional negotiation are summarized as follows: *Transactional negotiations*, which are the problem-focused processes emphasized in standard negotiation courses, are actually a consequence of *social negotiation*. Furthermore, parties enter into transactional negotiation through a process of negotiating the following: What is (and is not) a problem suitable for transactional negotiation (Docherty 2001); how to define (or frame) the problem to be negotiated (Caton Campbell and Docherty 2006); the site in which to negotiate (Miller and Dingwall 2006); which parties have a right to enter into the negotiation process, and how the participants should conduct themselves (what scripts they may or may not use) during negotiation (Stolte, Fine, and Cook 2001). The result is a more complex, but more realistic and complete, understanding that all negotiations involve *social negotiation* and *dispute domain negotiation* in addition to the more commonly studied and taught *transactional negotiation*. The fact that in many everyday settings most of these elements of social negotiation are “settled” before the transaction begins (or before the onset of the particular dispute) obscures, but does not change, this relationship.

Three-dimensional negotiation as an approach to conflict emerged as a consequence of ongoing conversations and prior writing collaboration. In the past three years Jayne and Leonard have also been trying to figure out how to *teach* three-dimensional negotiation. Leonard integrated design thinking into teaching negotiation at the Army’s Command and General Staff College (CGSC) (see Lira and Parish, *Making it up as You Go*, in this volume). Jayne used improvisational theater techniques and an emergent scenario based on a real case introduced by Calvin Chrustie to teach professional peacebuilders at the Center for Justice and Peacebuilding at Eastern Mennonite University about three dimensional negotiation, as described in this chapter.

For those readers not familiar with either the military arts and sciences¹ or professional peacebuilding² it might seem unusual that Leonard and Jayne were wrestling with similar problems related to teaching negotiation to professionals. But closer consideration of the realities facing our students reveals that they are often working side-by-side in situations where:

- Governance systems³ are unclear because they are absent, non-functional, or considered illegitimate by significant parties or because there are competing governance systems vying for legitimacy.⁴
- Violence – overt or structural – or the threat of violence is a given.

- Negative attractors “made up of many elements . . . [that] are tightly linked through reinforcing feedback loops that intensify and spread the negativity and pull of the conflict over time” dominate the patterns of interaction among the parties. “Additionally, they possess a set of loops that provides inhibiting feedback, which discourages or prohibits de-escalation or other changes in more constructive directions” (Coleman 2011: 85).

In other words, our students are working with intractable conflicts that meet most or all of the criteria for being deemed wicked problems.⁵ Consequently, they are compelled to focus on all three dimensions of negotiation if they want to succeed in reducing violence and altering the socio-political, cultural, and economic contexts that gave rise to the violence in the first place.

Starting Assumptions about Teaching Negotiation

Leonard started with the premise that all negotiation “is a *creative* practice because the goal of negotiators is to change the current social condition described in a conflict by creating, or facilitating the creation of, a new *social condition*, wherein the parties to that conflict can come to a negotiated solution” (Lira and Parish, *Making it up as You Go*, in this volume). Therefore, he reasoned, negotiation requires design thinking. Jayne too started with the premise that negotiation is creative, as well as with an understanding of process design that was influenced by dispute systems design (Ury, Brett, and Goldberg 1988; Costatino and Merchant 1995), the growing emphasis on design, monitoring and evaluation (or learning) in peacebuilding practice (Lederach, Neufeldt, and Culbertson 2007), and three years of field experience teaching negotiation to parties attempting to transform violent conflicts in Myanmar. She also drew on her prior experimentation with incorporating theater techniques into other courses.

From these similar starting points, Leonard and Jayne concluded that if they were serious about teaching three-dimensional negotiation, they would need to shift their mental model of teaching. Typical negotiation courses or trainings focus on helping students acquire skills, but the underlying and unexamined epistemological assumptions remain squarely in a paradigm of “banking education” (Freire 2009: Ch. 2), which assumes students are blank slates upon which the instructor needs to inscribe new knowledge. The student needs to be taught how to see and work with interests and not just positions, taught how to create as well as claim value, taught how to identify win-win options, how to go to the balcony . . . and the list goes on. In terms of skills, the student needs to be taught how to embody and

instantiate practices of communication, reasoning, and problem solving that are useful in negotiation.

Yet students, in this paradigm, are not being invited into a “liberatory” education that raises critical consciousness, unlocks creativity, and empowers them to re-narrate their worlds. They are instead being asked to imbibe new ideas and adopt new practices that so-called experts agree are accurate and useful. Nor are students being asked to adapt and modify new ideas and practices to their own realities, which they and not the teacher know best.

When you start with the assumption that teaching negotiation is about transferring knowledge and developing skills, it makes sense to employ short, focused games, activities and thought exercises around carefully crafted cases. The cases are designed to “reveal” the previously invisible realities of negotiable problems – in other words, they are designed to bring the student into the teacher’s narrative about the world. The related activities are designed to give the students opportunities to practice skills that make sense in the world the teacher has revealed.

If, however, we accept the argument that all transactional negotiations are interconnected with social negotiation and dispute domain negotiation,⁶ then our students arrive in our classes as experienced negotiators. At a minimum, they are participants in the continuous process of social negotiation, even if they are not conscious of that reality. As adults, they are almost certain to have participated in some form of dispute domain negotiation, even if they did so without conscious attention to the process. And they are familiar with forms of transactional negotiation that make sense within the world they and their communities have socially negotiated, which may or may not be a world shared by the instructor. While all cultures appear to have developed methods of transactional negotiation, we should not assume that their communities have arrived at the same form of transactional negotiation that gave rise to what is taught in standard negotiation courses or trainings. That particular form of transactional negotiation was developed in a particular milieu (Western business settings) by a particular group of individuals (mostly well-to-do white men) for particular purposes (Docherty 2010: 489, also Greenhalgh and Lewicki 2003: 26).

Leonard and Jayne both assumed their students already knew something about negotiation. Therefore, they incorporated critical engagement with the students’ existing knowledge into their courses, and they emphasized reflective practice as an essential part of a negotiator’s toolkit. In short, they designed their courses to include opportunities for students (and professors) to “unlearn” as well as learn

new things about negotiation. (See Docherty and Lira, *Adapting to the Adaptive* in this volume for a full discussion of the pedagogical principles behind Leonard's and Jayne's courses.)

Negotiation as a Game (Finite or Infinite?)

The use of a game metaphor for describing negotiation is so pervasive that it has disappeared into the background for many of us. But what kind of game is negotiation? Well, that may depend on whether we are talking about social negotiation or transactional negotiation. According to James P. Carse, "There are at least two kinds of games. One could be called finite, the other infinite. A finite game is played for the purpose of winning, an infinite game for the purpose of continuing the play" (1986: 3) and bringing as many persons as possible into the play.

Social negotiation is an infinite game; it does not have a clear start and stop time, the rules can be changed, some players can enter or exit the game, the players can "play with" the boundaries of play, and there are no outside referees to enforce rules and regulate play. Transactional negotiation, on the other hand, is more often described in terms reserved for finite games. Even when the game of transactional negotiation is played cooperatively, we still talk about who did better and who did worse in the process; we rank the participants in terms of the outcome. (In formal classes, this is sometimes done explicitly, for purposes of student assessment [Coben 2012].) The game is played for a particular purpose in a bounded period of time. Even if some negotiators sustain ongoing relationships, each round of play (each negotiation encounter) can be viewed and evaluated separately.

"Finite games can be played within an infinite game, but an infinite game cannot be played within a finite game. Infinite players regard their wins and losses in whatever finite games they play as but moments in continuing play" (Carse 1986: 8). Jayne would go further in connecting these two forms of negotiation games. In negotiation, the outcomes of transactional negotiations (finite games) feed back into social negotiations (infinite games) in ways that alter the infinite game. And the infinite game of social negotiation exposes issues and problems that are amenable to transactional negotiation. Participants in the infinite game of social negotiation can agree to step into the finite game of transactional negotiation, or they can use other methods for dealing with problems and conflicts.

If this game metaphor is helpful for explaining the interconnected processes of social and transactional negotiation, then we can think about the task of teaching negotiation to others as an example of teaching others how to play a game. But what kind of game are we

trying to teach? Are we teaching students to play the infinite game or the finite game? Are we adequately teaching them how the finite and infinite games intersect and interact?

Many activities used in typical negotiation pedagogy are quite clearly finite games. Participants are given a situation, a role, a set of rules, some pointers regarding what constitutes skillful play, and criteria for evaluating the outcomes of their play. The instructor starts the game and ends the game and evaluates the results of the play. Who did better or worse in the play? Who achieved better or worse outcomes? Some teaching games are even scored numerically. When organized this way, even the most complex cases become artificially simplified in the minds of the game players.

What gets left out of play when we teach negotiation this way? Pretty much everything needed to deal effectively with protracted social conflicts⁷ (Azar 1990), because those problems absolutely require “players” who are skilled at social negotiation, transactional negotiation *and* the connections among those different games.

The rest of this chapter will be Jayne’s description of the course; hence a switch to the first person singular. This is not intended to minimize Calvin’s contribution to the course, which was formative, as described below.

Using an Emergent Scenario to Teach Negotiation

To overcome the limitations of existing approaches to teaching negotiation, I developed a course where the students and I created an emergent scenario using improvisational theater techniques and game design activities. (See Lira and Parish, *Making it up as You Go*, in this volume, for more on the use of theater in our field.) The course was taught over three weekends, with the class sessions running from 8:30 a.m. until 5:30 p.m. on Friday and Saturday. Each weekend was dedicated to one dimension of negotiation: social negotiation (January 20 and 21), dispute domain negotiation (February 10 and 11), and transactional negotiation (February 24 and 25). Students were also expected to meet and work between sessions, and they did so with great enthusiasm.

Fourteen students were enrolled in the course. It would have been more effective to have about twenty students, but the group was large enough to run the course. As is typical with the classes in my department’s master’s program, the group was older, more experienced and more internationally diverse than in many classrooms.⁸

I handed out flip cameras or similar devices and asked students to record their between-class meetings and private negotiations. In the classroom, we used cameras to capture small group and plenary

sessions, with the small group sessions being convened in pre-designated stage areas. I have hours of video yet to be fully analyzed, but there are some interesting clips that illustrate the depth of conversations that arose out of having students develop full characters rather than assume roles. During the semester, students watched some of their own videos, and found this enlightening and helpful for developing their characters and thinking about the issues. The following description of the class and reflections on why it worked and how it could be improved are necessarily incomplete, since they do not fully reflect the experiences and views of all the participants. However, the students will have a voice in this chapter via quotations from some of their journals.

Identifying a Case

Emergent scenario is not another name for simulation. Simulations are typically finite games, even when they are complicated. An emergent scenario goes beyond even the most daring and creative ideas developed by Noam Ebner and Kimberlee Kovach (2010) in response to an earlier declaration by Nadja Alexander and Michelle LeBaron (2009) that role plays are far insufficient for the needs they are generally used to address. Even Daniel Druckman's marathon exercise (2006) is more structured and scripted than an emergent scenario, as is the Laurence de Carlo CD-ROM simulation of environmental conflict resolution in France (2005).

An emergent scenario starts with a dramatic event and an invitation to the participants to build a world within which that dramatic event has meaning.

The world, and therefore the negotiable problem or problems that arise from that world, is co-created by the participants, acting in characters that they animate in ways similar to an actor giving life to a character. This stands in marked contrast to the assigned roles in simulations, which emphasize the goals of the parties and thereby privilege a rational-actor model of the person. In many simulations relationships, emotions, cultural norms, and values are all implicitly or explicitly treated as problems that get in the way of rational negotiation. In truth, however, those messy facets of our lives are central to who we are, what we desire, and how we interact with others, including how we interact with others in negotiation. In protracted social conflicts the conflict is deeply embedded in cultural norms and relationships; it is woven into the emotional responses of the parties and it creates its own logic (i.e., its own rationality).

In an emergent scenario, as in real life, the "world" emerges from the interactions of participants who are bundles of relationships, roles, emotions, and values as well as goals that are amenable to bargain-

ing, trading and problem solving. In short, the world created in the classroom is *negotiated into reality* through the interactions of the participants who bring their whole selves into the process. The created world, like the real world, is unpredictable. The problems to be negotiated are identified and framed by the participants. I anticipate that every time I teach an emergent scenario, even with the same prompt, the case that develops will be different, because the class members will create a different version of the world; the one thing the worlds will have in common is that the dramatic event the class starts with will make sense within every world that is created.

In our course, we started with *Luna: Spirit of the Whale*, a made-for-television film about a real-life conflict in British Columbia in 2001-2002. In addition to the dramatic film, we had documentary film materials and some behind-the-scenes information from Calvin Chrustie, a Royal Canadian Mounted Police officer who had led the RCMP team working on the case. Calvin is also a co-author of a prior chapter in this series about negotiating wicked problems (Chrustie et al. 2010). In a real sense, therefore, Calvin, as a practitioner, originated key components and materials used for the course.

The drama started when a juvenile orca whale became separated from his pod and showed up near Gold River, British Columbia. The whale was known by three different names. Scientists referred to him as L98, which is the number he was assigned as part of his pod. The public, after a naming contest sponsored by a newspaper, called him Luna. The local First Nations community (the Mowachaht/Muchalaht) called him Tsux'iit (tsu' – keet), which was the tribal name of their late chief Ambrose Maquinna, because they believed the spirit of their chief – in keeping with their traditional beliefs – had migrated to the whale.⁹

The class immediately had to grapple with social negotiation when they tried to understand the beliefs of the Mowachaht/Muchalaht as compared with the way *reporters* described their beliefs. Reporters used the term “reincarnated” to describe the Mowachaht/Muchalaht claims about Tsux'iit. Many members of the dominant culture had trouble accepting this claim, because their understanding of reincarnation did not fit with the fact that the orca was already alive when the Chief died. Members of the public and some government officials concluded that the Mowachaht/Muchalaht advocates were making this claim to advance their cause, not because they really believed the orca was Chief Maquinna. The actual Mowachaht/Muchalaht belief is more about the chief's spirit “migrating into” rather than being “born into” an orca or a wolf.

Exploring the Context of the Luna Case

The directors of the film give Luna/Tsux'it status as a character in the world of Gold River; he is not treated as a part of nature to be controlled or managed by human beings even though some members of the community would opt to treat him that way. In making this narrative choice, they capture the underlying worldviewing conflict (Docherty 2001) between the First Nations band and the Euro-Canadian community in a manner that gives us a window onto the protracted social conflict in British Columbia (B.C.).

So, what is the background of the protracted social conflict?

British Columbia is unusual within Canada because most of the First Nations groups in B.C. never signed treaties with the colonial power (Great Britain) or with the subsequent Federal and Provincial governments. Many students in my class did not know that the relationship between First Nations groups and the Crown (i.e., the British colonial power) was shaped by the *Royal Proclamation of 1763*, which decreed that First Nations should not be disturbed in their use and enjoyment of the land. The proclamation also provided that only the Crown could purchase land from First Nations groups, and could only do that through treaty making. In this manner, the *Royal Proclamation* set the framework for negotiating with First Nations based on cooperation instead of conquest.

This is not to say that there were no elements of conquest and domination between the Federal and Provincial governments of Canada and the native peoples. In fact, there were many instances of abuse and domination, including efforts to eradicate native cultures by placing students in residential schools where they were forced to speak English and forbidden to speak their own languages; economic and educational discrimination; the placement of First Nations children in foster care, and many other policies and practices that attempted to destroy native cultures through assimilation.

One of the most far-reaching policies of repression was the 1927 *Indian Act*, which made it a criminal offense for a First Nation to hire an attorney for the purpose of pursuing a land claim settlement.¹⁰ Not surprisingly, there were no historical treaties signed subsequent to that date. This freezing of the treaty process had particularly negative effects on the western provinces, including B.C., where most First Nations groups had not negotiated treaties prior to 1927. Not having treaties in place has had long-term negative effects on everyone living in the province

The economy of B.C. is based largely on resource extraction (fishing, mining, and timber), and the unresolved land claims eventually paralyzed the economy. The issues are well summarized on a website

intended to help teachers explain the problems arising from a lack of treaties in the province.

Uncertainty about the existence and location of Aboriginal rights create uncertainty with respect to ownership, use and management of land and resources. That uncertainty has led to disruptions and delays to economic activity in B.C. It has also discouraged investment.

The consequences of not concluding treaties are lost economic activity as well as escalating court costs and continued uncertainty. Key benefits of negotiated settlements are economic and legal certainty as well as harmonized arrangements between the different levels of government.

A 2009 Pricewaterhouse [sic] Cooper study, commissioned by the B.C. Treaty Commission, showed that the sooner treaties are settled the bigger the benefits for First Nations and all British Columbians. Those benefits include investment, jobs and economic development (<http://www.aadnc-aandc.gc.ca/eng/1100100016299/1100100016300>).

The process for correcting these problems began in 1992, when “Canada, British Columbia, and the First Nations Summit, representing the First Nations . . . created the British Columbia treaty process. This process is aimed at building a relationship with B.C. First Nations based on respect and trust that will result in treaties, thus settling the uncertainty associated with unresolved land claims in B.C.” (Auditor General 2006: vii). Twenty years later the Treaty Process is still not complete.

By 2006, it was clear to the Auditor General’s Office that the treaty process was stalled for a number of reasons. It was expensive and time consuming for all three parties (First Nations and provincial and federal government). The process often raises more questions than it answers. And the gap between the positions of the parties is large and difficult to bridge (Auditor General 2006: 10). Furthermore, the legal, political and economic conditions have changed in the past ten years in ways that negatively impact the Treaty Process (p. 11).

From a peacebuilding perspective, the Treaty Process has not made progress because it was flawed in its design. The Treaty Process is essentially a high level political negotiation to regularize relations between First Nations peoples and the Provincial and Federal government of Canada. In that respect the treaty negotiations (taken

collectively) are similar to a peace process to move a country from war-to-peace after an internal conflict, but it has not been conceived that way. Because the relations between the First Nations groups and the governments have not been overtly violent, the parties are also involved in other more immediate negotiations about resources and economic development, *which were not considered in the design of the Treaty Process*. So the various negotiation processes run alongside one another and tangle things up. Every dispute over a resource impacts the treaty negotiations and every treaty negotiation impacts the way parties approach conflicts over resources. When resource based conflicts get loaded onto a political negotiation that should be serving as a process for building legitimate governance structures and relationships, the short-term issues of economics distort the political conversations.

In the face of stalled Treaty Negotiations the government and First Nations appeared, in 2006, to be creating “an emerging policy” under the title “the New Relationship.” The goal was to create “an opportunity for all First Nations, whether inside or outside the treaty process, to work with the province to make decisions about the use of land and resources” in order to “strengthen relationships between the three parties” (p. 11). However, in the absence of clarity about the linkage between the government’s New Relationship and treaty policies, the First Nations groups were playing a “wait and see” game.

Even when Luna/Tsux’iit/L98 arrived in Gold River in 2001, treaty negotiations appeared to be stalled, and some First Nations groups were looking for other means to settle specific resource claims so that they could get on with development and meeting the basic needs of their peoples. Yet these larger governance conflicts were hanging over every encounter between First Nations groups, the government and other stakeholder groups in the province. In other words, the whale, whatever name we use for him, definitely entered into a social, political, economic, and cultural setting of a wicked problem or a protracted social conflict.

The different attitudes about Luna/Tsux’iit/L98 are understandable only in the context of these background conflicts. Some commercial fishermen saw Luna as a nuisance, once he moved into “their” harbor, both because he was eating “their” fish and because he was playing with and damaging their boats and equipment. Local business leaders were inclined to see him as an economic boon because he generated tourist traffic. Some, but not all, in the Mowachaht/Muchalaht community saw him as their late chief and, therefore, a free, independent creature with the right to make his own decisions about where he would live. Some First Nations leaders thought that

Tsux'it/Luna might even be used as a rallying point around which to mobilize an uprising or confrontation with the dominant community and/or the government officials. The employees of the Department of Fisheries and Oceans (DFO) – the federal agency responsible for regulating fishing and protecting wildlife – had different views about Luna/L98. Some DFO employees saw him primarily as a potential danger to boats and humans, while others were more concerned about his welfare and the health of his pod. Some of the DFO personnel were also concerned about the cultural rights of the First Nations community. Media and the general public saw him as a cute creature with a sad story. Whale scientists saw L98 as “lost” and in need of return to his pod for his own health and the long-term viability of the whale population. The Royal Canadian Mounted Police (RCMP) were concerned about keeping order. Off camera and never discussed in the film, they were keeping an eye on the situation for any signs that some individuals might decide this was an opportunity to use violence in their cause.

Given only minimal comment in the film was the issue of the impact of aquaculture in Northwest Canada generally and B.C. specifically. Large corporations had been developing “fish farms” where they raise farmed Atlantic salmon off the coast. Fish farms were less likely than other resource extraction operations to be shut down in court, because the coastal waters were not subject to competing ownership claims in the same way that land-based resources were contested. The practice of aquaculture has expanded significantly since the incident with Luna and today the fish farms, many owned by large Norwegian companies, have proliferated along the coast. While they provide employment opportunities, they are also controversial for environmental reasons.

Around the time that Luna/Tsux'it/L98 showed up, the controversy over farmed salmon was starting to heat up. Environmental scientists and activists were alleging that sea lice from the farmed salmon were responsible for the dramatic and sudden collapse of several major salmon runs in B.C., a catastrophe that was negatively affecting the First Nations and Euro-Canadian communities. In the film, there is a brief mention that Luna/Tsux'it had damaged a fish farm, and the late chief, Ambrose Maquinna, had been working on issues related to stopping or regulating fish farming in the area. This was not the primary focus of the film, but for those who identified the whale as Tsux'it, any damage he did to fish farms could be interpreted as continued comment from Chief Maquiina and a motivation to increase resistance to aquaculture operations in the area.

Establishing the Context for Our Emergent Scenario

In many simulation-based classes, the professor would take a case such as the one described above and decide which issues should go to negotiation, which parties should participate, and how the negotiations should be organized. This information would be *given to* the students, who would also be *assigned* roles and negotiating goals. Much of the real-life consequences of a protracted social conflict and much of the messiness and stubbornness of a wicked problem would thus be sanitized from the classroom experience. An emergent scenario is set up differently, through a process of building a world and developing multi-dimensional characters.

In situations of protracted social conflict, there are multiple, interconnected issues, not all of which are suitable for negotiation. For example, negotiation does not address past historical harms and community traumas. Those drivers of conflict need to be addressed through other interventions, including activities such as truth-telling and reconciliation processes, community dialogues, and public commemoration of difficult historical events. When peacebuilders approach real wicked problems, they have to coordinate multiple interventions and identify those issues that might usefully be negotiated as part of the effort to transform the overall conflict. An emergent scenario, unlike a simulation, replicates this reality. Therefore it is never clear, at the beginning of an emergent scenario, which issues will be negotiated and which issues will be managed in other ways or left unaddressed.

After watching the dramatic film and the documentary video, the class members and I discussed the issues described above. We started by clarifying the immediate dramatic conflict of Luna/Tsux'it/L98; we applied conflict analysis techniques that all of the students learn in their first course in the degree program. In addition to discovering the problems with stalled treaty negotiations, we learned that the conflicts over aquaculture had grown more heated since 2002. Eventually, someone said something like, "I wonder what would happen if Luna showed up now?" We all thought that was a really interesting question, so we decided that our emergent scenario would be set today, rather than in 2001-2002 when Luna/Tsux'it/L98 actually appeared.

Based on that foundational decision, we divided the task of building the world for our conflict scenario into two parts: creating the local community and enriching our understanding of the context.

Creating a Realistic Community

During the remainder of the first class session – approximately a day-and-a-half – we focused on building the local community in which Luna 2 would appear. The students created and introduced their

characters. They were asked to introduce themselves as real people, not just as persons with an opinion about Luna 2. To accomplish this they developed personal biographies using theater techniques to build characters.

Uta Hagen (1973) recommends preparing for stage roles by doing weeks or months of research into the daily life of a character. She also argues for focusing on the subjective aspects of the character's life. If you are preparing to play Nina in *The Sea Gull* . . .

You must look for, and identify with, and make use of not only your (Nina's) clothing and underclothing, the details of your room (washbowls with pitcher and soap and heavy linen towels, the kind of bed and bedding, curtains, scrubbed flooring, icons, prayer habits) but also with what you read, what's forbidden or allowed. How do you write? By candle-light, kerosene, gaslight? If you write a note to Konstantin, on what kind of paper, with what kind of pen and ink, etc.? Then explore your specific task of getting ready for an outing (Hagen 1973: 137).

I did not ask the students to go quite this far in developing their characters, but I did emphasize Hagen's advice to focus on the subjective level and build emotional connection with the character.

The result was the development of a community of complex characters rather than a classroom of "flat" representatives of positions. One student reflected on the difference between playing a role and developing characters in our emergent scenario this way:

I have gone through much training that involved role-plays, and have become more and more concerned about the efficacy of and the impact of the role-plays. Too often the role that is played emphasizes one or two problematic features that make it easy to love or hate that role. This flat description and personification of someone does not assist skill development . . . [I]t perpetuates stereotypes and provides comic relief to often tense training situations (#6).

As with many participants, #6 chose a character that would challenge him to think outside his ordinary frame. He opted to be an elected official, and he did a lot of work getting inside the thought process and life reality of political leaders. As a consequence he developed a much greater appreciation for the pressures on political leaders when they confront complex social conflicts, particularly those that blend

scientific or technical issues with the social, political and economic challenges of supporting healthy development.

One of the Canadian students (#11) was both excited to have a Canadian case chosen for the course and offended by some of the ways others were portraying Canadians. Once she got past her reaction, however, she recognized the opportunity to identify and reflect on her own unconsciously held assumptions. She took on the role of a Canadian government official from the DFO. She wrote, after watching the film,

I felt my tendency to demonize or simplify those with whom I don't agree, and desired to face that by putting myself in the shoes of the "Government" worker who is only trying to keep his job It was a nuanced experience that prompted me to reflect on my identity, my narratives, and how I can begin to shift my own stories to be able to integrate with the stories of others (#11).

If you are wondering how students develop realistic characters, part of the answer is that they draw on their own lives in the same way that a professional actor draws on her own life when animating a character. Even if an actor spends weeks or months researching the life of Nina in *The Sea Gull*, becoming intimately familiar with Nina's daily life right down to the underwear she wears and the books she is or is not allowed to read, ultimately the emotional dimensions of the character come in part from the inner life of the actor. Uta Hagen will not play Nina the same way Susan Sarandon plays Nina.

After the first class session, some students were still having difficulty getting into their own character and engaging with the other characters in the scenario. This was probably difficult, in part, because the students knew each other well from other classes. For example, one student wrote:

. . . everyone in the class had [their] own worldview toward negotiation on issues and we each took our own characters. It was very interesting, but [at] the same time, it was too confusing for me. Every time I met the other character, I need to understand not just one person's worldview but two (real world person and character). Such like the movie "Inception" I need to dive twice into other people's worldview (#7).

He suggested that he and others might need more assistance getting into character.

The assistance came from a fellow student, who developed a very detailed process of creating a genealogy for her character. We used that process at the beginning of the second session to help everyone round out his or her character. Later, this same student developed a second character when she realized that her character (Kit) *could not* attend a particular meeting, but her character's son (Sean) would be front and center at that meeting. For the remainder of the course, she used a simple costume prop – a baseball cap – to indicate who was showing up for a conversation. Cap forward was Kit; cap backward was Sean. The rest of the community quickly grasped the differences between Kit and Sean. It was fascinating to watch others interact quite differently with Sean and with Kit even though they knew they were talking to their classmate. From a pedagogical perspective, it was useful to cultivate and rely on a few students who were really able to develop complete and well-rounded characters. They modeled the process and others were able to follow their example.

Another challenge for some students occurred when our Japanese student presented herself as speaking for Luna. Her character claimed a background in process work that enabled her to channel the orca's feelings. This, as much as anything, illustrates the difference between a role-play and an emergent scenario. This kind of person would never be scripted into a traditional negotiation role-play, even though such persons are often present in the local community. If a role-play did include this character, she would probably be played with irony, more of a caricature than a real character. In our class, this character was well rounded and utterly sincere.

This is not to say she was immediately welcomed into the student-created "world of Gold River." Many members of the emergent community thought she was a crackpot. And some of the First Nations community members were offended by what they perceived as disrespect for their beliefs by some "New Age, hippie outsider." On the other hand, I reminded the students that every complex conflict draws into the engagement someone with views outside the norms of the community. Eventually, everyone opted to deal with her character respectfully, and in one case she played a bridge between competing worldviews in a way that no one else could have played it. With her there, there was little chance that Luna's needs or wishes would be forgotten. She even challenged the aboriginal community regarding their proposed plans to help "manage" Luna.

In the first weekend session, the community members got to know one another through a series of dyadic and small group encounters in character. Only after the students had a sense of the persons in their emergent community did we identify sub-groups in the community

that might be the basis for what professional conflict interveners call parties to the conflict. Because the students had developed complex characters, they were aware from the beginning that each sub-group had internal tensions and conflicts based on identity, historical conflicts and worldview differences.

Enriching Our Understanding of the Context and Conflict

I assumed primary responsibility for developing more details about the surrounding social, political and economic context for the emergent scenario. Because this was the first time we were using this scenario and I was occupied during the class sessions with facilitating the character development process, this had to wait until after the first weekend. Between the first and second weekends students also did a lot of research and forwarded relevant documents for my consideration. In the future, I will launch the course with background materials already organized. But I am sure that more research will be needed, because no two emergent scenarios are exactly the same, and things change!

Our research on current conditions in B.C. revealed that conflicts over fish farms have gotten much worse in the past ten years, and the treaty negotiations are still stalled. But all is not frozen in place because of lack of progress on the treaty negotiation. Quite interesting from a conflict management perspective were the First Nations communities that had decided to make agreements with the government outside of the treaty process in order to meet the needs of each respective community.

As the designated “game master,” I made some decisions about the scenario, as we would resume it in the next class meeting. I decided to change First Nations groups because the Mowachaht/Muchalaht community has been significantly altered as a result of their encounter with Tsux’iit. I also did not want the students trying to replicate the community from the film, and I wanted them to explore the way a similar conflict would evolve if it involved a First Nations community that had made different choices about how to handle the protracted social conflicts in B.C. I opted to use the Heiltsuk people as our First Nations group, because they have not met in treaty negotiations with the government since 2003, but they have reached interesting agreements about co-managing a conservancy district and other ways of creating economic development and economic stability in their area (see <http://www.gov.bc.ca/arr/firstnation/heiltsuk/default.html>).

I relocated the Heiltsuk people geographically to the same area where Luna had appeared ten years ago so that the students would not need to grapple with a geographic change on top of the other

changes we were making. I moved the issue of the fish farms and fishing resources to the fore because those conflicts have, in fact, escalated in the province. If another whale appeared today under similar circumstances, it is reasonable to assume that the drama of the whale would highlight the conflicts about aquaculture.

I kept the profile of Heiltsuk tribe intact and referred students to their extensive web site (located at <http://www.firstnations.eu/fisheries/heiltsuk.htm>) for more information. I rather arbitrarily (not to mention unkindly) scripted the demise of their chief, Bob Anderson, who has an extensive public record of opinions including videos available on the web. This meant that while he was deceased in our emergent scenario, we had access to his public persona, which made him a very real character in our world, particularly since one of the tribal members developed her character as his widow.

Based on this research, I presented the following conflict summary to the class via email.

- Luna Two (L2) showed up in Heiltsuk waters shortly after the chief died;
- L2 is drawing public attention;
- L2 has damaged two fish farms – the owners want the whale removed, because they are liable for damage done to native fish populations when their fish escape *and* they lose money on the fish themselves;
- DFO and the government in general are being pressured by all groups to “do the right thing” re: L2 *and* re: fish farming, but what is the “right thing”?

I also gave everyone a list of the cast of the characters from the class and an extensive list of video resources and print materials to absorb. The materials included information about efforts to address the conflicts over fish farming, including a long-delayed report from the *Cohen Commission*, which was investigating the environmental impact of fish farming.¹¹ This gave them an opportunity to grapple with the role of science in complex environmental conflicts, and I gave them readings related to this issue (Adler et al. 2000; Adler 2002).

The video materials were particularly useful for revealing the world of the ongoing conflicts in B.C. For example, one video documentary follows mayors from B.C. communities on a trip to Norway, where they learn about aquaculture (<http://vimeo.com/12042048>). All of the mayors are Euro-Canadian and they all express hopes that this kind of development can revitalize the B.C. economy. The film includes interviews with environmental opponents to expanded fish farming; again, all of these individuals interviewed are Euro-Canadian. No one in the video mentions the unresolved treaty issues as one reason that

the economy of B.C. is in trouble, and no one refers to the needs or rights of the First Nations groups. In other videos, only First Nations issues are addressed and no one mentions the larger economic decline that impacts everyone (http://www.youtube.com/watch?v=Ojey_GYsbi0; <http://www.youtube.com/watch?v=4j01Aj-40ug>). As often happens in protracted social conflicts, the parties appear to live in different realities, even though they probably interact on a daily basis.

In addition to developing their characters and immersing themselves in the materials, various subgroups were asked to convene meetings prior to the next class session. For example, the First Nations characters were asked to convene a Tribal Council meeting and representatives from DFO, the elected officials, and the fish farm managers were asked to attend a meeting about aquaculture development in the province where they would have informal conversations. Some participants opted to have casual meetings in character between sessions – the types of chance encounters that happen in real life at the grocery store or the post office.

While continuing their social negotiations, the students were also preparing for our session, which would focus on identifying venues and processes for managing various conflicts including identifying some issues that are amenable to formal negotiation.

Negotiating What to Negotiate and How to Negotiate It

The second class session was dedicated entirely to the very messy process of deciding which issues can be handled through negotiation and which issues need to be handled some other way, or perhaps even put on hold until later. The students read materials on the concept of legal pluralism, which is a situation that arises when multiple systems of governance or multiple systems for addressing conflicts compete for legitimacy. Legal pluralism is very common, but rarely discussed in negotiation classes. In protracted social conflicts, legal pluralism is always a problem. The Luna scenario forces students to grapple with this issue, as is illustrated by this journal entry written by the student playing the widow of the Chief.

The overarching challenge associated with discerning the difference between Band, Provincial and Federal authority over land and water use exemplifies the way that legal pluralism impacts this case. While I thought we had a legal agreement with the Province of British Columbia related to our authority over the land, water and wild life, I later found that it would not be valid until ratified by the Canadian Federal Government. Together, these overlapping governmental bodies, including local, provincial and Federal legal systems, rep-

resent multiple pathways to pursue legal action on behalf of the interests of the Band. However, if not correctly navigated, the Band could expend scarce financial resources pursuing various options within the network of interlocking legal systems, only to find that one successful treaty is negated by another legal loophole. Choosing the right arena/domain for the dispute at hand is crucial for the Band at this juncture. (#3)

Discovering this problem in character, where her emotional self and identity were present, was far more powerful than reading about it in a paper.

Another dimension of identifying a dispute domain for negotiation in a protracted conflict involves improving relationships through dialogue as well as making process decisions through shared deliberation. This is perhaps the most difficult part of teaching three-dimensional negotiation. In real life, the processes for setting up a complex negotiation take months or even years. Putting this process on fast-forward in an emergent scenario is tricky.

We set the room up to have different meeting spaces, making them as private as possible. (Hint: For emergent scenario teaching you need a lot of space, and options for breakout rooms.) Each group met to discuss the issues as they understood them and to decide what problems they considered suitable for negotiation, what problems they wanted to handle in another way, and what kind of negotiation process they would like to try using. For several hours they met in their groups, and sent emissaries to other groups, and convened small meetings to negotiate process.

Some individuals had created boundary-spanning characters – for example, the Heiltsuk man who also owned a commercial fishing license and was also a member of the Pacific Trollers Association, which meant he was friends with the predominantly Euro-Canadian commercial fishermen. He spent time running between meetings and informally carrying messages and information. But he also experienced some suspicion from his different peer groups. Others had created personal bonds that complicated their relationship as parties to a conflict. For example, Kit (a professional fisher) was a widow and high school classmate of the Chief's widow, Leila. They had shared some time together outside of class when Kit visited Leila after the Chief's funeral. The class learned the value and the limitations and complexities created by boundary spanners and personal relationships that transcend the conflict.

After several hours of working on the issue, and feeling more rather than less confused about how to design a dispute domain that would support negotiation, we stepped out of characters and con-

vened back into a class setting. It was here that we learned how helpful it could be to step into and out of the emergent scenario for the purpose of teaching and learning. (For more on a related theme, see Deason et al., *Debriefing the Debrief* and *Debriefing Adventure Learning*, in this volume.) We continued this process for the remainder of the course, and we learned that it was important to signal clearly when we were making those transitions. It helped to develop some embodied practices (see Alexander and LeBaron, *Embodied Negotiation*, in this volume) to mark the transition point: “shaking off” our character or putting our character back on.

As students-teachers and as a teacher-student (see Freire 2000) of peacebuilding and not as characters, we developed a large conflict map for our case, and we then reviewed process design options and principles of good process design. We grappled with questions such as: How do you sort out issues that might be negotiable from those that can't be negotiated? How do you identify issues that *if* they were negotiated might transform the more protracted social conflict? How do you negotiate buy-in for a negotiation process? Who can and who cannot serve as a convening agent for negotiations?

These were without question the richest process design discussions I have ever had with students, because even though they were out of character, they were emotionally attached to the situation, not just working on an intellectual puzzle. This proved to be a very enlightening exercise. It made me realize that when we teach process design, we do not force students to view the design from deep within a stakeholder identity, and that is a problem that needs to be corrected. As a side note: this emergent scenario taught empathy skills far more effectively than any training activities.

After our design discussion, the students went back into their characters and groups to consider process options. Their discussions were different now, because they could all see how something that looked good on paper might not look so good to some of the stakeholders. They could also see how rational, linear process design privileges the viewpoints of some stakeholders over others, and why some parties might think of transactional negotiation as a game rigged against them.

The students concluded that no process would be designed if we left it all to the parties. So they decided to hire a facilitator. That led to a negotiation over who would hire the facilitator and how she would be paid. Again, a common issue in process design had a lot more resonance for the participants. This also made me realize that students were getting a lot of experience with “at the table” or transactional negotiation simply through the process of designing a dispute do-

main. In the future, I think this opportunity for practicing transactional negotiation could be highlighted and improved.

The parties agreed that a facilitator hired by the Suzuki Foundation (<http://www.davidsuzuki.org/>) would be acceptable, and I was hired to serve as the facilitator. Together, we agreed that rather than having the facilitator conduct private interviews and prepare a report on the issues that might be negotiable, she would facilitate a public listening process. Again, we did a mini-negotiation over the process design for the listening sessions. This allowed us to discuss issues of fairness and efficiency as well as issues of transparency and confidentiality. And then we conducted the listening process.

In this way we created a “fast forward” version of dialogue and deliberation processes that might take months or years in a real case, rather than just skipping over that messy part of the whole process. For the students, this closed the gap between dialogue, deliberation and decision-making (see for example Nixon 2012; Saunders 1996). And in our teaching/learning roles, we had rich discussions about why this is an issue in our field, what happens when citizens engage in dialogues but the dialogues don’t inform the top level negotiations, and what kinds of options others have developed for connecting dialogue with decision-making.

Transactional Negotiation

The third weekend was scheduled for transactional negotiation, which requires the creation of a focused agenda of issues that are suitable for negotiation. The participants had identified the co-management agreement between the Heiltsuk tribe and the Provincial government as an area where some progress achieved through negotiation would help to transform the larger conflicts. Acting as “game space designers” we agreed that “Dr. Jane Foster” (me, again) from Eastern Mennonite University would facilitate the negotiation process, and that she would be paid out of a *Co-Management Implementation Fund (CMIF)* that was created using contributions from:

- DFO,
- The Heiltsuk Economic Development Corporation (HEDC) (<http://www.coastfunds.ca/read-our-stories>),
- The BC Salmon Farmers Association (<http://www.salmonfarmers.org/>),
- A special fund created by the Provincial government (sponsored by Minister Lake), and
- The Pacific Trollers Association (<http://www.island.net/~pta/>).

The government ruled that CMIF could not accept donations or support from corporations. Two parties to the conflict, Mr. Tuna (an aqua-

culture executive) and Denis (a local owner of a fish farm)¹² negotiated to make contributions to the B.C. Salmon Farmers Association to support CMIF. This was permitted by the government and deemed acceptable by the other parties.

The participants also agreed that negotiations would focus around three goals:

- 1) Address some specific issues related to the safety of Luna and keeping Luna from damaging property or creating a danger to others.
- 2) Help the participants set up a system for co-management of ocean related resources (ocean fish, fish farms, and salmon runs affected by ocean conditions).
- 3) Build the foundations for a sustainable Co-Management Program.

Within these boundaries, I developed the type of planning forms and technical information more commonly used in negotiation simulations. Each party received information about their near-term, mid-term and long-term (3 years out) goals and interests for the issues of: a) Luna 2; b) Co-Management Program; c) Fisheries/Ocean Issues; and d) Other Issues. Each party had other issues that were not technically on the agenda, but that they might try to move onto the agenda. This, too, is realistic. They also received information on the monetary and material resources they had on hand. They were free to expand on and refine their goals and interests and they could prioritize the issues as they wished, but they were required to work within the resources as outlined on their handouts.

We also noted at the outset that in order to convene these negotiations the parties had to have made *frame concessions*, including:

- The government and Euro-Canadian communities are agreeing to work inside a frame that says “Luna 2 is tied to the Heiltsuk people.”
- The Heiltsuk people have agreed to accept that Luna 2 needs to be “managed” as part of the larger ecosystem.

Again, the students could really feel how difficult those concessions were for the various parties. They understood that reframing the situation in order to get to the table was a very complicated and difficult process of negotiation in its own right, because reframing can involve identity threats.

The groups prepared separately for the negotiation sessions, and then they sent representatives to the negotiation table, which was convened in a fishbowl so everyone could watch. Because they sent representatives to the table, not all characters had a role at the table. This meant that many students were observers of the negotiation, and

they did not have a chance to be at the table practicing the skills of transactional negotiation. I was concerned they would feel cheated, but they were completely attentive to the process, took extensive notes, and in the debriefing process they made very astute observations about how their classmates had negotiated.

Among the students enrolled in our class, many do not aspire to being at the table as parties to a complex conflict. They are embarked on career paths that will involve designing, supporting and facilitating negotiation processes, i.e., helping others to negotiate more effectively. I think this is why they were happy to observe.

When I teach the class again, however, I will add a fourth weekend. With the help of a teaching assistant, I will review the videos captured on the flip cameras to identify interesting “micro-negotiation” encounters. These will form the basis for practicing negotiation at the table in the fourth weekend. Everyone will get some practice with transactional negotiation and the class will be able to review the development of the scenario and contemplate “what could have been” if they had made other choices.

How Did the Class Work, Overall?

The course was organized using the ELM model (see Docherty and Lira, *Adapting to the Adaptive*, in this volume), which organizes learning in this order: concrete experience, “publish and process” (reflect on what you did), generalize new information, develop and anticipate how you will use it, and then apply the knowledge. In the extended scenario, I discovered it was important to do the full ELM circuit repeatedly, in bite-size chunks. We all needed to stop the scenario periodically to review what we were learning. It was in these moments that I delivered mini-lectures or we engaged the readings they had done prior to class. I can tell from their journals that the materials they read stuck with them, because they could understand them in reference to an immediate life experience.

From my perspective, the emergent scenario process is a much more realistic way to teach negotiation. It forces students to grapple with *social ethics* and *social responsibility* to parties not at the negotiation table in a manner that rarely, if ever, happens in the standard negotiation classroom (Docherty 2010: 498-501).

The emergent scenario has enough of the uncertainty and complexity of real cases without overwhelming the students. The key is finding a balance between scripting and leaving things open for creativity. Several students commented on the importance of this balance and the way we managed it. What intrigued me, however, was the way some of them connected finding the “sweet spot” of balance

between scripting and creativity to the process of recognizing the power of worldviews as drivers of conflict.

The concept of three level negotiations in which worldviews of participants are acknowledged as important determinators [sic] of behavior and decision making is something that I haven't encountered thus far, even though negotiations are a field that I have researched before . . . I believe that the emergent scenario was the crucial part for understanding negotiations from a different perspective. Even though we had a general context and description of actors, the possibility to develop our characters enabled us to create our own worldviews within the scenario. In this way we are able to see how the worldviews inform the behaviors and the decision making as a part of a negotiation process (#2)

Overall, the emergent scenario process seemed to promote a lot of self-reflection about the students' own worldviews and their past experiences with conflict:

I am not sure whether it is possible to separate the people from the problem entirely since we tend to automatically tangle issues with our backgrounds, memories, egos and positions. While I was surprised by my initial judgment in regards to the Canadian government's position, whom I unintentionally accused of being rude and unsympathetic to the tribes, I realized later that my accusation had much to do with my background. I channeled my anger about Afghanistan, where soldiers from the U.S. and the European countries are engaged in a prolonged war . . . (#9)

As in other classes where I have used dramatic films to set up activities, the *Luna* film evoked a variety of responses – shaped by culture and emotional reactions – from students. This type of response rarely happens if I start a class with a written case study. For example:

The person from the [DFO] head office arrived in Gold River with a clear plan in mind. . . He had little regard for the position of the new chief in the community and this was clearly evident when he walked into the office and joined the conversation that his field officer was having with the chief. As a person from a culture different from North America, I found the attitude of the person from the head office disrespectful. However, I also thought it was important for the band to fol-

low the rules of the land because I am from India, a country where people selectively follow rules based on their status in society, the amount of money they have, or their political connections . . . But what were the rules in the scenario in the film, and did I have the insight to interpret them correctly? . . . [when we watched the documentary about First Nations relations with the government]. . . Suddenly, I was not sure whether I knew what was right or wrong because my orientation suddenly changed. The people from the First Nation had been treated so unfairly! . . . I felt indignant. . . (#5)

Because the students in our program are primarily mid-career professionals, they also reflect on past experiences and anticipate applying knowledge to future practice. We ask them to do this quite often, but I usually find their reflections very cognitive and not deeply reflective. What I discovered in their journals was that the emergent and uncertain aspects of our case invited more nuanced and much deeper and more complex comparisons to past practices. In fact, some of the students adopted characters that harkened back to their own past experiences with cases of complex conflict. Their journals included particularly rich insights at multiple levels – self-awareness about past choices and behaviors, insight into the actions of others from past cases, and “AHA! moments” about their earlier case. In future, I will flag the opportunity to try on a role for the purpose of reflection on past experience as well as for the purpose of the negotiation class itself.

I was also struck by how effective this teaching process was for helping students think about transferring what they were learning to other situations. They did not all learn exactly the same thing, and I would not expect them to, given how many backgrounds were represented in the class. But each student identified lessons that seemed useful for him or her, including many deeply personal reflective lessons about personal behavioral tendencies or biases. Given how well we come to know our students, I was fascinated with how well each student focused on a personal lesson I thought they needed to consider in order to become more reflective practitioners.

More than half of the class talked in detail about what they learned and how they were using it (or would use it in future) *in relation to very concrete problems*. The journals followed a logical pattern that looked like this: “I used to do x and y. In the emergent scenario, I tried _____ and I watched my colleagues do _____, now when I go back to my work, I am going to do a and b, because _____.” This was not some vague parroting of concepts and ideas. They were really envisioning specific changes in behavior.

Conclusion

Following my students down the reflective path, I will end with some things I learned and things I will do differently.

First, while the process of teaching with an emergent scenario is nerve-wracking when you are not sure it will work, it does work. I will enter into it with confidence. I will trust the process and trust the students. They get really hooked on this and more fully enter into being teachers-students than they do in other courses.

Second, this takes a lot of time. Preparing between classes, answering questions and inquiries from the parties in the conflict (i.e., the students who take this work really seriously and really get into their roles), making the best use of the video materials that are produced so that students can reflect on their own performance in something closer to real time... all of this requires person power. But at least in our program, I think I have some solutions. We have students learning to use technology as part of their preparation for peacebuilding work; this is part of our arts and peacebuilding focus. I plan to offer some of them an opportunity to practice their technical skills by helping with the course. We also teach a facilitation course, and we have students wanting more facilitation experience. I am considering enlisting them for the times in the course where groups want facilitation. Perhaps we will even create a "jobs board" where would-be facilitators can post their qualifications and the negotiation class or even one or two groups from the class can select and "hire" an outside facilitator. Or, my biggest radical vision. . . organize a *whole semester* around an emergent scenario, with some students participating to learn negotiation, some students participating to learn process design, and others participating to learn facilitation skills. (Certain aspects of the course described by Fox and Press in *Venturing Home*, in this volume, might be seen as something of a prototype for this idea.)

Finally (for now), going back to the beginning setup of the class, I will modify the character preparation process. I plan to ask students to prepare a genealogy (using the technique developed by the student) and a genogram as part of developing their character. A genogram is a pictorial display of a person's family relationships. It is more than a family tree, because a genogram uses symbols that help the person completing it identify repetitive patterns of behavior. Each student in the master's program is asked to develop a genogram for the purpose of identifying family conflict patterns as an assignment in the conflict analysis course. This assignment is part of the CJP commitment to developing reflective practitioners who are self-aware and willing to embrace personal as well as social transformation. The students could easily do a genogram for their characters.

I will also ask each participant to identify those parts of his or her character's life that are not public, but are nevertheless important for understanding the character's response to conflict. Finally, I plan to invite other students not enrolled in the course to serve as interviewers, in order to help each participant refine and develop her character. This will actually give other students an opportunity to practice interviewing skills.

Notes

¹ Military Arts and Science, as an academic field, could be considered a subset of Political Science or Public Administration as it is taught in the professional military education institutes that are accredited to confer a Master of Military Arts and Sciences academic degree. The U.S. Military's expanded roles in counterinsurgency, peace, and humanitarian operations have caused the military to question some of its fundamental principles and traditional thinking about its purpose. This has led to a re-examination of professional education methodologies and concepts, to incorporate theories and concepts from other fields such as political science, economics, and anthropology.

² The study of peacebuilding may be seen as an outgrowth of the field of conflict analysis and resolution. The concept of peacebuilding and its practices and scope are not well established. See Henning Haugerudbraaten (1998) for an overview of the debates about peacebuilding – what it entails, who does it, and how it is accomplished. Generally speaking, however, the focus of peacebuilding is on identifying and altering the root causes of violent conflict.

³ Governance describes the process of decision-making and the processes by which decisions are implemented (or not implemented). The term governance can apply to any group decision-making process and the systems for ensuring implementation of collective decisions. Thus, we can talk about governance in corporations, international organizations (e.g., United Nations, International Monetary Fund, World Bank), national or local political systems, organizations (including civil society organizations and non-governmental organizations or NGOs), faith-based organizations, or traditional societies (e.g., clan-based or tribal systems).

⁴ In many parts of the world, people live under multiple governance systems – post-colonial systems, tribal or clan systems, and religious systems – and disputes over the legitimacy of these systems are a constant source of uncertainty and conflict. This is not, however, a problem only in post-colonial societies. Similar disruptions to governance systems can take place in modern bureaucratic settings, for example after a corporate merger. See Docherty (2005) and the work of Walton, Cutcher-Gershenfeld, and McKersie (1994; 1995).

⁵ Our conversations gained traction when we discovered the concept of wicked problems, which originated in the field of planning but was being applied to the challenges facing the military in Iraq and Afghanistan. "Wicked problems are ill-defined, ambiguous and associated with strong moral, political and professional issues. Since they are strongly stakeholder dependent, there is often little consensus about what the problem is, let alone how to resolve it. Furthermore, wicked problems won't keep still: they are sets of complex, interacting issues evolving in a dynamic social context. Often, new forms of

wicked problems emerge *as a result* of trying to understand and solve one of them” (<http://www.swemorph.com/wp.html>). We and other colleagues wrote a series of papers about negotiating wicked problems, and finally (!), we are writing about *teaching* negotiation for wicked problems. See Chrustie et al 2010; Docherty 2010; Honeyman and Coben 2010; Lira 2010.

⁶ For a more detailed discussion, see Docherty and Lira, *Adapting to the Adaptive*, in this volume (noting that “[s]ocial negotiation is used, consciously or not, continuously to constitute and sustain or modify the *context*, including dispute domains and the rules and roles that guide participants in a transactional negotiation. *Dispute domain negotiation* is used to frame specific problems and locate them in a particular socio-cultural setting where they can be negotiated using (culturally shaped) *transactional negotiation* processes”).

⁷ “In brief, protracted social conflicts occur when communities are deprived of satisfaction of their basic needs on the basis of the communal identity. However, the deprivation is the result of a complex causal chain involving the role of the state and the pattern of international linkages. Furthermore, initial conditions (colonial legacy, domestic historical setting, and the multi-communal nature of the society) play important roles in shaping the genesis of protracted social conflict” (Azar 1990: 12).

⁸ The class was made up of: One Afghan NGO leader (female), a Chilean attorney (male), a Macedonian social activist (male), a Korean journalist and a Korean NGO leader (both male), a Canadian teacher (female), a Canadian school counselor (male), three U.S. citizens (one female university faculty member, one female pastor, one male policy advocate), one Nigerian pastor (male), one Syrian social activist (male), one Indian businessman (male), and a Japanese law professor/social activist (female). The age of the participants ranged from late 20s to almost 60, with an average age in the 30s.

⁹ SPOILER ALERT: Luna/Tsux’iit/L98 actually has a biography on Wikipedia that documents his birth in a whale pod, disappearance and presumed death, his reappearance off the coast of BC, and his eventual death in an accident involving a tugboat http://en.wikipedia.org/wiki/Luna_%28killer_whale%29.

¹⁰ *Fact Sheet: British Columbia Treaty Negotiations*. Aboriginal Affairs and Northern Development Canada. Available at <http://www.aadnc-aandc.gc.ca/eng/1100100016299/1100100016300> (last accessed March 3, 2013).

¹¹ The Cohen Commission was established in November 2009 by Prime Minister Stephen Harper as a “Commission of inquiry into the decline of sockeye salmon in the Fraser River.” Its report was scheduled for delivery October, 2010, but was delayed until October 29, 2012. See generally www.cohencommission.ca (last accessed March 3, 2013).

¹² This was an interesting place where I used my discretion as game space designer to create a realistic (but perhaps not completely real) set of relationships. Student #5 (a male entrepreneur) created a character that “owned” fish farms in Gold River, while student #7 introduced himself as Mr. Tuna, the new country director for a Norwegian transnational fisheries company. I have no idea if this is how the fish farms actually operate, but I moved the business model used by poultry growers and large poultry corporations (which I happened to be familiar with) to fish farming in B.C. I gave Mr. Tuna and Denis (the two characters) a business model and showed them how that model created opportunities and risks for both of them and how it relied on their own negotiations that are embedded in the wider context.

References

- Adler, P. S. 2002. Science, politics, and problem solving: Principles and practices for the resolution of environmental disputes in the midst of advancing technology, uncertain or changing science, and volatile public perceptions. *Penn State Environmental Law Review* 10(2): 323-344.
- Adler, P. S., R. C. Barrett, M. C. Bean, J. E. Birkhoff, C. P. Ozawa, and E. B. Rudin. 2000. *Managing scientific and technical information in environmental cases: Principles and practices for mediators and facilitators*. Washington, DC: Resolve, Inc., U.S. Institute for Environmental Conflict Resolution, and Western Justice Center Foundation.
- Alexander, N. and M. LeBaron. 2009. Death of the role-play. In *Rethinking negotiation teaching: Innovations for context and culture*, edited by C. Honeyman, J. Coben, and G. De Palo. St. Paul, MN: DRI Press.
- Azar, E. 1990. *The management of protracted social conflict: Theory and cases*. Aldershot, UK: Dartmouth Pub. Co.
- Carse, J. 1986. *Finite and infinite games*. New York: Simon and Schuster, Inc.
- Caton Campbell, M. and J. S. Docherty. 2006. What's in a frame? In *The negotiator's fieldbook: The desk reference for the experienced negotiator*, edited by A. K. Schneider and C. Honeyman. Washington, DC: American Bar Association.
- Christie, C., J. S. Docherty, L. Lira, J. Mahuad, H. Gadlin, and C. Honeyman. 2010. Negotiating wicked problems: Five stories. In *Venturing beyond the classroom: Volume 2 in the rethinking negotiation teaching series*, edited by C. Honeyman, J. Coben, and G. De Palo. St. Paul: DRI Press.
- Coben, J. 2012. Empowerment and recognition: Students grade each other's negotiation outcomes. In *Assessing our students, assessing ourselves: Volume 3 in the rethinking negotiation teaching series*, edited by N. Ebner, J. Coben, and C. Honeyman. St. Paul, MN: DRI Press.
- Coleman, P. T. 2011. *The five percent: Finding solutions to seemingly impossible conflicts*. New York: Public Affairs.
- Costatino, C.A. and C. S. Merchant. 1995. *Designing conflict management systems: A guide to creating productive and healthy organizations*. San Francisco, CA: Jossey-Bass.
- Cutcher-Gershenfeld, J. E., R. B. McKersie, and R. E. Walton. 1995. *Pathways to change: Case studies of strategic negotiations*. Kalamazoo, MI: W. E. Upjohn Institute for Employment Research.
- De Carlo, L. 2005. Accepting conflict and experiencing creativity: Teaching "concertation" using *La Francilienne* CD-ROM. *Negotiation Journal* 21(1): 85-103.
- Docherty, J. S. 2001. *Learning lessons from Waco: When the parties bring their gods to the negotiation table*. Syracuse, NY: Syracuse University Press.
- Docherty, J. S. 2005. *The little book of strategic negotiation: Negotiating during turbulent times*. Intercourse, PA: Good Books, Inc.
- Docherty, J. S. 2010. "Adaptive" negotiation: Practice and teaching. In *Venturing beyond the classroom: Volume 2 in the rethinking negotiation teaching series*, edited by C. Honeyman, J. Coben, and G. De Palo. St. Paul, MN: DRI Press.

- Docherty, J. S. and M. Caton Campbell. 2006. Consequences of principal and agent. In *The negotiator's fieldbook: The desk reference for the experienced negotiator*, edited by A. K. Schneider and C. Honeyman. Washington, DC: American Bar Association.
- Druckman, D. 2006. Uses of a marathon exercise. In *The negotiator's fieldbook: The desk reference for the experienced negotiator*, edited by A. K. Schneider and C. Honeyman. Washington, DC: American Bar Association.
- Ebner, N. and K. K. Kovach. 2010. Simulation 2.0: The resurrection. In *Venturing beyond the classroom: Volume 2 in the rethinking negotiation teaching series*, edited by C. Honeyman, J. Coben, and G. De Palo. St. Paul, MN: DRI Press.
- Freire, P. 2000. *Pedagogy of the oppressed*, 30th anniversary edn. New York: Continuum.
- Greenhalgh, L. and R. J. Lewicki. 2003. New directions in teaching negotiations: From Walton and McKersie to the new millennium. In *Negotiations and change: From the workplace to society*, edited by T. A. Kochan and D. B. Lipsky. Ithaca: ILR Press.
- Hagen, U. 1973. *Respect for acting*. Hoboken, NJ: John Wiley and Sons.
- Haugerudbraaten, H. 1998. Peacebuilding: Six dimensions and two concepts. *African Security Review* 7(6): 17-26.
- Honeyman, C. and J. Coben. 2010. Navigating wickedness: A new frontier in teaching negotiation. In *Venturing beyond the classroom: Volume 2 in the rethinking negotiation teaching series*, edited by C. Honeyman, J. Coben, and G. De Palo. St. Paul, MN: DRI Press.
- Lederach, J. P., R. Neufeldt, and H. Culbertson. 2007. Reflective peacebuilding: A planning, monitoring, and learning toolkit. Available at <http://www.el-dis.org/assets/Docs/43157.html> (last accessed December 17, 2012).
- Lira, L. 2010. Design: The U.S. Army's approach to negotiating wicked problems. In *Venturing beyond the classroom: Volume 2 in the rethinking negotiation teaching series*, edited by C. Honeyman, J. Coben, and G. De Palo. St. Paul, MN: DRI Press.
- Miller, G. and R. Dingwall. 2006. When the play's in the wrong theater. In *The negotiator's fieldbook: The desk reference for the experienced negotiator*, edited by A. K. Schneider and C. Honeyman. Washington, DC: American Bar Association.
- Nixon, P. 2012. *Dialogue gap: Why communication isn't enough and what we can do about it, fast*. Singapore: John Wiley and Sons Singapore.
- Office of the Auditor General of British Columbia. 2006. *Treaty negotiations in British Columbia: An assessment of the effectiveness of British Columbia's management and administrative process*. Victoria, British Columbia. Available at: www.fns.bc.ca/pdf/BCAGTreatyNeg_Report3.pdf (last accessed December 17, 2012).
- Ricigliano, R. 2006. A three-dimensional analysis of negotiation. In *The negotiator's fieldbook: The desk reference for the experienced negotiator*, edited by A. K. Schneider and C. Honeyman. Washington, DC: American Bar Association.
- Saunders, H. 1996. Prenegotiation and circum-negotiation: Arenas of the peace process. In *Managing global chaos*, edited by C. Crocker, F. Hampson, and P. Aall. Washington, DC: United States Institute of Peace.

- Stolte, J. F., G. A. Fine, and K. S. Cook. 2001. Sociological miniaturism: Seeing the big through the small in Social Psychology. *Annual Review of Sociology* 27: 387-413.
- Ury, W. L., J. M. Brett, and S. B. Goldberg. 1988. *Getting disputes resolved: Designing systems to cut the costs of conflict*. San Francisco, CA: Jossey-Bass.
- Walton, R. E., J. E. Cutcher-Gershenfeld, and R. B. McKersie. 1994. *Strategic negotiations: A theory of change in labor-management relations*. Cambridge, MA: Harvard Business School Press.